

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 7      NUMBER 194

*Washington, Friday, October 2, 1942*

## Regulations

### TITLE 7—AGRICULTURE

#### Subtitle A—Office of the Secretary of Agriculture

[Amendment 1 to SAR 99]

#### GRADES OF CARCASS BEEF

##### OFFICIAL UNITED STATES STANDARDS

Whereas, the Office of Price Administration, by Amendment No. 5 to Maximum Price Regulation No. 169,<sup>1</sup> has eliminated "Prime" from the grades of beef and veal carcasses and wholesale cuts established in said regulation, now, therefore, pursuant to authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes", approved July 22, 1942 (Public No. 674—77th Congress), I, Claude R. Wickard, Secretary of Agriculture, do make, prescribe, and give public notice of, the following amendment to the official standards of the United States for grades of carcass beef, covered by the order of the Secretary of Agriculture, of June 3, 1926, Service and Regulatory Announcements No. 99, to be in force and effect on and after September 18, 1942;

The grade specified as "Prime" for beef carcasses and wholesale cuts is hereby suspended for the period during which said maximum price regulation is effective, and all carcass beef and wholesale cuts meeting the specifications of "Prime" grade shall, during such period, be graded as "Choice."

Done at Washington, D. C., this 1st day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-9774; Filed, October 1, 1942;  
11:52 a. m.]

<sup>1</sup> 7 F. R. 4653, 7314.

[Amendment 2 to SAR 114]

#### GRADES OF VEAL AND CALF CARCASSES

##### OFFICIAL UNITED STATES STANDARDS

Whereas, the Office of Price Administration, by Amendment No. 5 to maximum Price Regulation No. 169,<sup>1</sup> has eliminated "Prime" from the grades of beef and veal carcasses and wholesale cuts established in said regulation, now, therefore, pursuant to authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes," approved July 22, 1942 (Public No. 674—77th Congress), I, Claude R. Wickard, Secretary of Agriculture, do make, prescribe, and give public notice of, the following amendment to the official standards of the United States for grades of veal and calf carcasses, covered by the orders of the Secretary of Agriculture, of July 12, 1928, and October 5, 1940, Service and Regulatory Announcements No. 114, to be in force and effect on and after September 18, 1942;

The grade specified as "Prime" for grades of veal and calf carcasses is hereby suspended for the period during which said maximum price regulation is effective, and all veal and calf carcasses meeting the specifications of "Prime" grade shall, during such period, be graded as "Choice."

Done at Washington, D. C., this 1st day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-9775; Filed, October 1, 1942;  
11:52 a. m.]

## CONTENTS

### NOTICES AND REGULATIONS

AGRICULTURE DEPARTMENT:	Page
Flue-cured tobacco; price proclamation.....	7815
Official grade standards amended:	
Carcass beef.....	7791
Veal and calf carcasses.....	7791
AGRICULTURAL MARKETING ADMINISTRATION:	
Milk handling in marketing areas:	
Memphis, Tenn.....	7794
St. Louis, Mo.....	7793
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Bodee Realty Corp.....	7818
Gosho Concentration and Compress Co.....	7819
Harvard Brewing Co.....	7818
Japan Cotton Co.....	7819
Yamanaka and Co., Ltd.....	7818
BITUMINOUS COAL DIVISION:	
District 8, minimum price schedule amended.....	7801
Veal, Oscar; revocation of code membership.....	7815
CIVIL AERONAUTICS BOARD:	
Pan American Airways, Inc.; authorization to transport certain explosives, etc.....	7800
CUSTOMS BUREAU:	
Aviation, civil; application of certain laws and regulations.....	7800
Canadian vessels, transportation of merchandise in.....	7813
ENTOMOLOGY AND PLANT QUARANTINE BUREAU:	
Pink bollworm regulations modified.....	7792
FEDERAL COMMUNICATIONS COMMISSION:	
Hearings:	
Cornell University (WHCU) (2 documents).....	7816
(Continued on next page)	



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

#### CONTENTS—Continued

FEDERAL COMMUNICATIONS COMMISSION—Continued.	Page
Hearings—Continued.	
North Carolina Broadcasting Co., Inc. (WBIG).....	7815
United Broadcasting Co. (WCLE).....	7815
United Broadcasting Co. (WHKC).....	7816
FEDERAL TRADE COMMISSION:	
Van Camp Sea Food Co., Inc., hearing, etc.....	7816
IMMIGRATION AND NATURALIZATION SERVICE:	
Navigation, civil air; application of certain laws and regulations to civil aviation.....	7800
Preexamination of aliens, amendment.....	7800
LABOR DEPARTMENT:	
Building and construction trades; wage stabilization agreement.....	7801
Ship building and ship repair industry; overtime pay, etc.....	7801
OFFICE OF DEFENSE TRANSPORTATION:	
Rail equipment conservation; restriction of passenger train operations (ODT 24).....	7814
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Cambridge Rubber Co.....	7819
Consumers Coal Co.....	7820
Delta Packing Co., Inc.....	7820
Forst Packing Co., Inc.....	7820
Nichols, Austin, and Co. Inc.....	7813

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Commodities and services (GMPR):	
Beans, vanilla (Supp. Reg. 14, Am. 35).....	7812
Cotton ginning services (MPR 211, Am. 1).....	7813
Fuels, miscellaneous solid, etc. (MPR 122, Am. 8).....	7809
Gasoline rationing (Ration Order 5A, Am. 12).....	7811
Sugar rationing (Ration Order 3, Rev. Zoning Order 1).....	7812
PUBLIC HEALTH SERVICE:	
Quarantine, foreign; application of certain laws and regulations to civil aviation.....	7813
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Laclede Gas Light Co.....	7821
North American Light and Power Co.....	7821
Koppers United Co., et al., denial of applications.....	7820
Northeastern Water and Electric Corp., extension of time granted.....	7822
United Light and Power Co., et al., supplemental order.....	7822
SELECTIVE SERVICE SYSTEM:	
Military and occupational history of men released from active duty; forms prescribed.....	7802
WAR PRODUCTION BOARD:	
Containers, fluid milk shipping (M-200).....	7808
Leather, sole (M-80-c).....	7804
Lighting fixtures, fluorescent (L-78, Am. 4).....	7804
Thermoplastics (M-154 as amended).....	7804
Utilities; maintenance, repair and supplies (P-46, Ex. 2).....	7802
Zinc (M-11-b as amended).....	7802
WAR SHIPPING ADMINISTRATION:	
Time charter determination, etc.....	7814
Chapter III—Bureau of Entomology and Plant Quarantine	
[B. E. P. Q. 493, Second Revision]	
PART 301—DOMESTIC QUARANTINE NOTICES	
PINK BOLLWORM QUARANTINE REGULATIONS MODIFIED	
Introductory Note: The administrative instructions issued May 1, 1940 (Circular B. E. P. Q. 493, revised) modified the treatment requirements for the pink bollworm as to baled lint and linters and products thereof and restored certain requirements for handling cottonseed in certain counties in northwestern Texas and Lea and Roosevelt Counties, N. Mex. The present revision does not change the requirements for those counties.	

Continued improvement in seed sterilization and in sanitary measures in force at gins in the heavily infested area and at oil mills receiving and processing cottonseed produced in that area, makes it safe to allow linters produced from sterilized seed in such area to be moved interstate without additional treatment. The present revision of the administrative instructions therefore removes the requirement as to fumigation or roller treatment of linters produced from sterilized seed originating in the heavily infested area. This modification of the quarantine regulation does not affect the procedure as to handling cottonseed originating in the heavily infested area as provided in paragraph (b) of regulation 4 (§ 301.52-4).

§ 301.54-4b *Administrative instructions: removing the treatment requirements as to cotton linters produced from sterilized cottonseed in the heavily infested areas, and extending the area in which baled cotton lint may be moved from certain lightly infested areas in New Mexico and Texas without treatment.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.52, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 52, on account of the pink bollworm], and having determined that facts exist as to the pest risk involved which make it safe to modify, by making less stringent, the restrictions contained in paragraph (a) of § 301.52-4, notice is hereby given that, effective October 1, 1942, (a) all restrictions and certification requirements are hereby waived on the interstate movement from any regulated area of cotton linters produced from sterilized seed; and (b) all restrictions are hereby waived on the interstate movement of baled cotton lint and products thereof from the following area:

New Mexico: Lea and Roosevelt Counties.

Texas: Counties of Andrews, Cochran, Concho, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Irion, Martin, Midland, Mitchell, Sterling, Terry, Tom Green, Yoakum, and the regulated parts of Bailey, Coke, and Lamb Counties:

*Provided*, (1) That the products have been produced in an authorized oil mill or gin and subsequently protected from contamination, and (2) that a certificate of the United States Department of Agriculture has been obtained and attached to the containers or shipping papers in accordance with the requirements prescribed in § 301.52-11.

These instructions supersede those in circular B.E.P.Q. 493, dated May 1, 1940. (7 CFR § 301.52; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

Done at Washington this 28th day of September 1942.

[SEAL]

P. N. ANNAND,  
Chief.

[F. R. Doc. 42-9779; Filed, October 1, 1942; 11:52 a. m.]

## Chapter IX—Agricultural Marketing Administration

## PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

## AMENDMENTS

It is provided in Public Act No. 10, 73d Congress (May 12 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 903.0 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1–900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the St. Louis, Missouri, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and proclaimed that, in connection with the execution of a marketing agreement, as amended, and the issuance of this order amending the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, the purchasing power of such

milk during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929; and that the post-war period August 1919–July 1929 is the base period to be used in connection with any marketing agreement, as amended, and with this order in determining the purchasing power of milk.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the St. Louis, Missouri, marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said St. Louis, Missouri, marketing area.

*Order relative to handling.* It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete from § 903.1 (a) (9) the colon and the proviso which reads, "Provided, That a handler operating a plant or plants from which no milk is disposed

of for fluid consumption in the marketing area shall be a nonhandler with respect to such plant or plants." Insert a period at the end of § 903.1 (a) (9).

2. Delete § 903.3 (b) and substitute therefor the following:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk, the skim milk and butterfat of which is established (i) by use or disposition as other than milk, flavored milk and milk drinks (of any butterfat test), and buttermilk, and (ii) as actual plant shrinkage, but not to exceed 3 percent of the total receipts of milk from producers.

3. Delete § 903.3 (c) and substitute therefor the following:

(c) *Interhandler and nonhandler transfers of milk.* (1) Milk received by a handler from another handler shall be Class I milk, and cream so received shall be Class II milk: *Provided*, That if a different classification is agreed upon in writing between the receiving handler and the selling handler and is submitted to the market administrator on or before the 5th day after the end of the delivery period, then the milk or cream shall be classified according to such written agreement: *Provided further*, That the amount so reported in any class shall not be greater than the amount used in that class by the receiving handler.

(2) Milk moved in fluid form from a handler's fluid milk plant to a plant from which no milk is disposed of for fluid consumption (regardless of whether the latter plant is operated by such handler or by a nonhandler) shall be Class II milk. Milk moved in fluid form from a handler's fluid milk plant to a nonhandler's plant from which fluid milk is distributed shall be Class I milk, except that any of this milk in excess of the amount of milk, proved to the satisfaction of the market administrator to have been distributed in fluid form by the nonhandler during the delivery period, shall be Class II milk: *Provided*, That all milk moved in fluid form to plants more than 110 air-line miles from the City Hall in St. Louis shall be Class I milk. Milk disposed of in fluid form from a handler's plant to retail establishments which disposed of milk for both fluid and other uses shall be Class I milk.

4. Delete § 903.3 (d) and substitute therefor the following:

(d) *Purchases of milk from persons who are handlers under other Federal milk agreements or orders.* Milk approved by the proper health authorities for consumption in fluid form in the marketing area which has been received from a person who is a handler, as defined under another Federal marketing agreement or order, shall be deducted from each class in the proportion that the quantity used in each class by the receiving handler bears to the total quantity of milk received by him, after excluding such handler's receipts of milk from other handlers.

5. Delete § 903.3 (e) (2) and substitute therefor the following:

(2) To determine the hundredweight of Class I milk: convert to gallons the quantity of milk disposed of in the form of milk, flavored milk and milk drinks (of any butterfat test), and buttermilk, and multiply the total by 0.086; *Provided*, That there shall be added any difference of milk computed under subparagraph (1) of this paragraph over the Class I milk thus far determined plus the hundredweight of Class II milk computed pursuant to subparagraph (3) of this paragraph.

6. Delete from § 903.4 (a) (1) the figure "1.00" and substitute therefor the figure "1.10."

7. Delete from § 903.4 (a) (2) the figure "0.30" and substitute therefor the figure "0.40."

8. Delete the proviso of § 903.4 (a) (3) and substitute therefor the following:

*Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent thereof: *Provided*, That such price shall be subject to the following adjustments: (i) add  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above  $5\frac{1}{2}$  cents per pound or (ii) subtract  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of such dry skim milk is below  $5\frac{1}{2}$  cents per pound. For purposes of determining these adjustments the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, as published by the United States Department of Agriculture, shall be used, and the following adjustments shall be made in lieu of the adjustments provided for under (i) and (ii) immediately above: add  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption delivered at Chicago is above  $7\frac{1}{2}$  cents per pound, or subtract  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that such price of dry skim milk is below  $7\frac{1}{2}$  cents per pound.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

Issued at Washington, D. C., this 24th day of September 1942, to be effective on

and after the 4th day of October 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

Approved: September 29, 1942.

FRANKLIN D. ROOSEVELT,  
President of the United States.

[F. R. Doc. 42-9778; Filed, October 1, 1942;  
11:53 a. m.]

#### PART 964—MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

##### ORDER REGULATING THE HANDLING OF MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

- Sec.  
964.1 Findings and determinations.  
964.2 Order relative to handling.  
964.3 Definitions.  
964.4 Market administrator.  
964.5 Classification of milk.  
964.6 Minimum prices.  
964.7 Reports of handlers.  
964.8 Application of provisions.  
964.9 Determination of uniform prices to producers.  
964.10 Payments for milk.  
964.11 Marketing services.  
964.12 Expense of administration.  
964.13 Effective time, suspension, and termination.  
964.14 Agents.

AUTHORITY: 964.1 to 964.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C., 601 et seq.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 964.1 *Findings and determinations—*  
(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Memphis, Tennessee, marketing area a purchasing power equivalent to the purchasing

power of such milk, as determined pursuant to §§ 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) All milk sold or disposed of by handlers under this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products; and

(4) This order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Memphis, Tennessee, marketing area, the purchasing power of such milk during the pre-war period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919-July 1929; and the post-war period August 1919-July 1929 is the base period to be used in connection with any such marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator, during any 12-month period of time, for the maintenance and functioning of such agency, will amount to approximately \$32,000; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk received from producers, or an association of producers, or produced by them during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order) of at least 50 percent of the volume of milk covered by this order, which is marketed within the Memphis, Tennessee, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Memphis, Tennessee, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is

produced for sale in the Memphis, Tennessee, marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

§ 964.2 *Order relative to handling*—It is, therefore, ordered That, from and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of this order.

§ 964.3 *Definitions*—(a) *Terms*. As used herein the following terms shall have the following meanings:

(1) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1927 (50 Stat. 246 (1937), 7 U. S. C. 1940 ed. 601 *et seq.*), as amended.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(3) "Memphis, Tennessee, marketing area" (hereinafter called the "marketing area") means the territory within the corporate limits of the city of Memphis in the State of Tennessee.

(4) "Person" means any individual, partnership, corporation, association, or any other business unit.

(5) "Producer" means any person, irrespective of whether any such person is also a handler, who produces, under a dairy farm inspection report issued by the proper health authorities, milk which is received at a plant from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 964.7 (a) (1) (viii). "Producer" shall also include any person who produces, under a dairy farm inspection report issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area.

(6) "Handler" means any person, irrespective of whether such person is a producer, wherever located or operating, who engages in such handling of milk, all or a portion of which is disposed of in fluid form as milk, skim milk, or cream in the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Handler" shall also include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association and for which such cooperative association collects payment; but shall not include any person from whom emergency milk is received.

(7) "Fluid milk plant" means any milk plant currently used for any or all of the handling functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing, bottling, or other preparation of milk of producers for final sale or disposition in fluid form in the marketing area.

(8) "Market administrator" means the person designated pursuant to § 964.4 as the agency for the administration hereof.

(9) "Delivery period" means the current marketing period from the effective date hereof to and including the last day of the calendar month in which such effective date occurs. Subsequent to such month, "delivery period" shall mean the current marketing period from the first to the last day of each calendar month, both inclusive.

(10) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a special permit issued to him by the proper health authorities, which permit states that such handler may receive such milk in his plant and may utilize such milk for fluid uses.

(11) "Base" means the quantity of milk calculated for each producer pursuant to § 964.10 (1).

(12) "Excess" means the quantity of milk remaining after base deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

§ 964.4 *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof.

(c) *Duties*. The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to

§ 964.7 or (ii) made payments pursuant to § 964.10;

(6) Publicly disclose to handlers and producers the name of any producer for whom a daily base has been calculated, and the quantity of daily base established for such producer;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay, out of the funds provided by § 964.12 (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

§ 964.5 *Classification of milk*—(a) *Milk to be classified*. Milk handled by a cooperative association under the conditions set forth in § 964.3 (a) (6), and all milk, skim milk, and cream handled by each handler in his fluid milk plant or reported by him pursuant to § 964.7 (a) (1) (viii) shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c) and (d) of this section.

(b) *Classes of utilization*. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream (for consumption as cream), including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for (i) as used to produce a milk product other than those specified in Class I milk and (ii) as actual plant shrinkage, which plant shrinkage shall not exceed 2 percent of the total quantity of milk of producers including the handler's own production.

(c) *Transfers of milk and cream*. (1) Milk, skim milk, or cream shall be Class I milk when (i) moved from a handler's fluid milk plant to the fluid milk plant of another handler: *Provided*, That such milk shall be classified as Class I milk only to the extent of the total Class I milk of the second handler; (ii) moved from a handler's fluid milk plant to a handler who receives no milk from producers other than milk of his own production; (iii) without being first received in the handler's fluid milk plant for the primary processing steps of weighing (or measuring) and testing, is caused to be delivered by a handler to a person who is not subject to the provisions hereof but who is engaged in the business of distributing milk, skim milk, or cream in fluid form, if the handler has reported such milk as being a part of his regular supply of producer milk; (iv) moved from the fluid milk plant of a handler to a person who is not subject to the provisions here-



of but who is engaged in the business of distributing milk, skim milk, or cream in fluid form on wholesale or retail routes; and (v) a handler who handles no milk of producers disposes of milk, skim milk, or cream completely processed and bottled for distribution to another handler who handles milk of producers: *Provided*, That the quantity so classified shall not exceed the amount of such milk, skim milk, or cream disposed of in the original package by the receiving handler.

(2) Milk, skim milk, and cream received at a fluid milk plant from sources other than producers or other fluid milk plants shall be Class II milk, except that any of this milk, skim milk, and cream in excess of the amount of Class II milk used by the handler shall be Class I milk.

(3) Milk of a producer transferred by a handler to another handler without being received by the first handler for the primary processing steps of weighing (or measuring) and testing, shall be considered as having been received by the second handler directly from the producer.

(4) Milk, skim milk, or cream moved by a handler to a plant not specified in (c) (1) of this section for the manufacture of nonfluid milk products shall be Class II milk.

(d) *Computation of milk in each class.* For each delivery period the market administrator shall compute for each handler the pounds of producer milk allocated to each class as follows:

(1) Determine the pounds of milk, skim milk, and cream handled as follows: add into one sum the pounds of (i) milk of producers; (ii) milk produced by such handler; (iii) milk, skim milk, and cream received from other handlers; (iv) emergency milk received; and (v) milk, skim milk, and cream received from other sources.

(2) Determine the pounds of butterfat handled as follows: add into one sum the pounds of butterfat in (i) milk of producers; (ii) milk produced by such handler; (iii) milk received from other handlers; (iv) emergency milk; and (v) milk received from other sources.

(3) Determine the pounds of Class I milk as follows: convert to quarts the quantity of milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream, including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent, add together, and multiply the sum by 2.15: *Provided*, That there shall be added to such total any difference between the quantity determined under (d) (1) of this section and the Class I milk thus far computed plus the pounds of Class II milk computed pursuant to (d) (4) of this section.

(4) Determine the pounds of Class II milk as follows:

(i) Multiply the pounds of Class I milk, computed prior to the proviso in (d) (3) of this section, by its average butterfat test;

(ii) Subtract the pounds of Class I, butterfat, computed pursuant to (d) (4) (i) of this section, from the pounds of

butterfat computed under (d) (2) of this section;

(iii) Subtract the pounds of Class I milk, computed prior to the proviso in (d) (3) of this section, from the amount computed under (d) (1) of this section;

(iv) Divide the quantity of butterfat, computed under (d) (4) (ii) of this section, by the pounds of milk computed under (d) (4) (iii) of this section;

(v) Multiply the actual weight of each of the several products of Class II milk by its respective average butterfat test, and add together the resulting amounts;

(vi) Add to the sum obtained in (d) (4) (v) of this section the amount which represents the butterfat loss by actual plant shrinkage, but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of milk of producers (including the handler's own production) multiplied by the weighted average test of such milk; and

(vii) Divide the sum computed under (d) (4) (vi) of this section by the average test of Class II milk computed under (d) (4) (iv) of this section.

(5) Determine the classification of milk of producers as follows:

(i) Subtract from the pounds of milk in each class the pounds of milk, skim milk, and cream received from other handlers and apportioned to each class in accordance with (c) of this section;

(ii) Subtract from the remaining pounds of Class II milk the total pounds of milk, skim milk, and cream, except emergency milk, received from other sources: *Provided*, That if the quantity of such milk, skim milk, and cream received is greater than the remaining quantity of Class II milk of such handler, an amount equal to such difference shall be subtracted from the remaining pounds of Class I milk; and

(iii) Subtract from the remaining pounds of Class II milk the total pounds of emergency milk received by such handler: *Provided*, That if the quantity of such emergency milk received is greater than the remaining quantity of Class II milk of such handler, an amount equal to such difference shall be subtracted from the remaining pounds of Class I milk. —

§ 964.6 *Minimum prices*—(a) *Class prices.* Subject to the provisions of (b) of this section, each handler who handles milk of producers shall pay producers, at the time and in the manner set forth in § 964.10, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 964.5 (d) (5).

(1) Class I milk: \$3.45, except for the months of May and June when the price shall be \$3.25: *Provided*, That for Class I milk disposed of by such handler under a program approved by the Secretary for the sale or distribution of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 46 cents.

(2) Class II milk: The price resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported

by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound. In this computation the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. If carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the price for Class II milk shall be that resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound.

(b) *Butterfat differential to handlers.*

(1) If any handler has disposed of milk of producers allocated to Class I milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class I price, 5.5 cents for each one-tenth of 1 percent that the butterfat content of such Class I milk varies above or below 4 percent.

(2) If any handler has disposed of milk of producers allocated to Class II milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class II price, for each one-tenth of 1 percent that the butterfat content of such Class II milk varies above or below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent and divide the result obtained by 10.

§ 964.7 *Reports of handlers*—(a) *Reports to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who handled milk of producers shall report the following information with respect to all milk, skim milk, and cream

handled by him during such delivery period:

(i) The quantity of milk of each producer (including that of such handler's own production), the butterfat content thereof, and the number of days on which such milk was handled;

(ii) The quantity of delivered base milk and the quantity of excess milk of each producer;

(iii) The milk, skim milk, and cream, with its butterfat content, received from other handlers who handled milk of producers;

(iv) The milk, skim milk, and cream, with its butterfat content, received from any other source, including milk, skim milk, and cream completely processed and packaged for distribution to consumers which was received from handlers who handled no milk of producers;

(v) The utilization of all milk, skim milk, and cream handled;

(vi) The name and address of each producer whose milk had not been handled during the previous delivery period;

(vii) The emergency milk received, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received during the delivery period, (c) the plant from which such milk was shipped, (d) the price paid, or to be paid, for such milk, and (e) the utilization of such milk;

(viii) The name and address of each person who produces milk under a dairy farm inspection report issued by the proper health authorities and who is under contract with such handler, either individually or through a cooperative association, to have his milk paid for as part of the handler's supply of milk for fluid milk use, but whose milk is not received in such handler's fluid milk plant. Any such person who is not included on such a list, submitted on or before the 7th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period;

(ix) The milk diverted by a cooperative association under the conditions set forth in § 964.3 (a) (6), as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was diverted during the delivery period, (c) the plant to which such milk was shipped, and (d) the utilization of such milk; and

(x) Such other information with respect to the above as the market administrator may request.

(2) On or before the day a handler, described in (a) (1) of this section, receives emergency milk, he shall report his intention to receive such milk.

(3) Within 10 days after the market administrator's request, a handler described in (a) (1) of this section shall report with respect to each of his producers for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the pounds of milk handled with its butterfat content, and (iii) the number of days upon which such milk was handled.

(4) On or before the 22d day after the end of each delivery period, a handler described in (a) (1) of this section shall

report his producer pay roll for such delivery period, which shall show for each producer (i) the total pounds of delivered base and excess milk with the average butterfat content thereof, and (ii) the net amount of such handler's payment to such producer with the prices, deductions, and charges involved.

(5) Each handler described in (a) (1) of this section shall report, at such time and in such manner as the market administrator may request, the payment plan in effect for each producer at his fluid milk plant for the month of June 1942.

(6) Each handler who handles no milk of producers shall report to the market administrator at such time and in such manner as the market administrator may request.

(b) *Verification of reports.* (1) Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, (i) all records and facilities necessary for the verification of the information contained in the reports submitted pursuant to this section and for the accounting of the usage of all milk, skim milk, and cream handled in accordance with the classification of milk as set forth in § 964.5, and (ii) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk, skim milk, and cream handled by the handler but not required to be classified in accordance with § 964.5 (a), such handler shall make such records available to the market administrator. If the market administrator finds that, subsequent to the delivery period for which such verification is being made, any milk, skim milk, or cream handled during such delivery period was used in a class other than that in which it was first reported, such milk, skim milk, or cream shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made.

§ 964.8 *Application of provisions—(a) Handlers who are also producers.* (1) Except as provided in this section, the provisions of §§ 964.6, 964.9, 964.10, 964.11, and 964.12 shall not apply to a handler who handles no milk of producers other than milk of his own production.

(2) In computing the value of milk for any handler pursuant to § 964.9 (a), the market administrator shall consider any milk received in bulk by such handler from a handler who is also a producer and who purchases or receives no milk from other producers as being received from a producer.

§ 964.9 *Determination of uniform prices to producers—(a) Computation of the value of milk.* (1) For each delivery period, the market administrator shall compute, subject to the provisions of § 964.8, the value of milk for each handler who handled milk of producers by (i)

each class computed pursuant to § 964.5 (d) (5), by the applicable class prices, and (ii) combining into one total the resulting class values: *Provided*, That if any such handler received milk, skim milk, or cream, in fluid form, except emergency milk, which has been classified as Class I milk pursuant to § 964.5 (c) (2), there shall be added, with respect to such Class I milk, the difference between the Class II and the Class I prices, each of such prices being adjusted by its respective butterfat differential on the basis of the test of such milk, skim milk, or cream.

(2) In the event any handler who handled no milk of producers individually disposed of milk, skim milk, or cream, in fluid form, other than emergency milk, in the marketing area during the delivery period, the market administrator shall compute the value of such milk, skim milk, or cream by multiplying the amount thereof by the difference between the Class II and the Class I prices, each of such prices being adjusted by its respective butterfat differential on the basis of the test of such milk, skim milk, or cream.

(b) *Computation and announcement of uniform prices prior to January 1, 1943.* For each delivery period prior to January 1, 1943, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to (a) of this section, for each handler who made the reports and payments required by §§ 964.7 (a) and 964.10 (e);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance from 4 percent computed pursuant to § 964.10 (h);

(3) Add the cash balance in the producer-settlement fund;

(4) Divide by the total hundredweight of milk of producers which is represented in these computations;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and in payments by handlers. This result shall be known as the uniform price for milk containing 4 percent of butterfat; and

(6) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information, (ii) the Class II price, (iii) the butterfat differential, and (iv) the uniform price.

(c) *Computation and announcement of uniform prices subsequent to December 31, 1942.* For each delivery period subsequent to December 31, 1942, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to (a) of

this section for each handler who made the reports and payments required by §§ 964.7 (a) and 964.10 (e);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance from 4 percent computed pursuant to § 964.10 (h);

(3) Subtract the amount to be paid to producers pursuant to § 964.10 (c) (2);

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of delivered base milk of producers which is represented in these computations;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and in payments by handlers. This result shall be known as the delivery period uniform price to be paid producers for base milk containing 4 percent of butterfat; and

(7) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information, (ii) the Class II price, (iii) the butterfat differential, (iv) the uniform price to be paid for base milk, and (v) the price to be paid for excess milk.

§ 964.10 *Payments for milk—(a) Half-delivery period payment.* On or before the last day of each delivery period, each handler shall pay to each of his producers the approximate value of the milk of such producer which was handled by such handler during the first 15 days of such delivery period.

(b) *Final payment for delivery periods prior to January 1, 1943.* On or before the 15th day after the end of each delivery period prior to January 1, 1943, each handler in accordance with his customary plan of payment to producers in the month of June 1942 shall pay his producers a total amount of money equal to the uniform price, subject to the butterfat differential provided by (h) of this section, times the amount of milk delivered to him by such producers, less the payment made pursuant to (a) of this section: *Provided*, That any change may be made in such customary plan of payment if such change is made uniformly to all producers delivering milk to such handler.

(c) *Final payment for delivery period subsequent to December 31, 1942.* On or before the 15th day after the end of each delivery period subsequent to December 31, 1942, each handler shall pay to his producers, subject to the butterfat differential provided by (h) of this section and less the payment made pursuant to (a) of this section, as follows:

(1) To each producer at the uniform price per hundredweight, computed pursuant to § 964.9 (c) (6), for that quantity of milk of such producer not in excess of his delivered base; and

(2) To each producer at the Class II price, for that quantity of milk of such

producer in excess of his delivered base.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (e) and (g) of this section, and out of which he shall make all payments to handlers pursuant to (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.*—On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers handled by such handler during the delivery period is greater than the sum obtained by multiplying the pounds of such milk of producers by the appropriate price or prices required to be paid producers by handlers, pursuant to (b) or (c) of this section, and adding together the resulting amounts: *Provided*, That if any handler who handled milk of producers has received milk, skim milk, or cream except emergency milk, which was classified as Class I milk pursuant to § 964.5 (c) (2), such handler shall pay also to the market administrator, for payment to producers through the producer-settlement fund, the amount which is computed pursuant to the proviso of § 964.9 (a) (1): *Provided further*, That in the event any handler who handled no milk of producers, individually disposed of milk, skim milk, or cream, in fluid form, other than emergency milk, in the marketing area, during the delivery period, such handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, an amount per hundredweight which is computed pursuant to § 964.9 (a) (2).

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the total utilization value of the milk of producers handled by such handler during the delivery period is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate price or prices required to be paid producers by handlers pursuant to (b) or (c) of this section, and adding together the resulting amounts. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment due him from the market administrator shall be deemed to be in violation of (b) or (c) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustments of errors in payments.* Whenever verification by the

market administrator of reports or payments of any handler discloses errors under which money would accrue to the producer-settlement fund pursuant to (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after being notified by the market administrator, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (f) of this section, the market administrator, within 5 days after such verification shall make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(h) *Butterfat differential.* In making payments to each producer, pursuant to (b) or (c) of this section, each handler shall add to the price per hundredweight not less than, or subtract from the price per hundredweight not more than, as the case may be, for each one-tenth of 1 percent of butterfat content which is above or below 4 percent in milk of such producer, the amount as shown in the schedule below for the butter-price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received:

Butter-price range:	Butterfat differential (cents per one-tenth of 1 percent)
17.50-22.499 cents per pound..	2.5
22.50-27.499 cents per pound..	3.0
27.50-32.499 cents per pound..	3.5
32.50-37.499 cents per pound..	4.0
37.50-42.499 cents per pound..	4.5
42.50-47.499 cents per pound..	5.0
47.50-52.499 cents per pound..	5.5
52.50-57.499 cents per pound..	6.0
57.50 and over cents per pound..	6.5

(i) *Determination of base.* For each delivery period subsequent to December 31, 1942, the base of each producer shall be a quantity of milk calculated by multiplying the applicable figure computed pursuant to this paragraph, subject to the provisions of (j) of this section, by the number of days during such delivery period on which the milk of such producer was handled:

(1) Effective for 1943, and for each year following 1943, the daily base, for the ensuing calendar year, of each producer who began delivery to a handler before the month of September preceding such ensuing calendar year shall be determined by the market administrator from reports filed by handlers pursuant to § 964.7 (a) or from the best information available, in the following manner:

(i) Determine for each producer the average daily deliveries of his milk to a handler for the number of days on which this order is in effect during the months of September, October, and November of



the calendar year immediately preceding: *Provided*, That if a producer is prevented by the applicable health authority, through quarantine or degrading, from delivering milk, and such producer furnishes to the market administrator a statement to that effect written by such applicable health authority, the market administrator shall deduct from the figure representing the number of days in the base-forming period the number of days (but not more than 30 days in any one base-forming period) involved by such ruling of the applicable health authority: *Provided further*, That if a producer, as the result of official testing for tuberculosis, Bang's disease, or mastitis by a recognized veterinarian, or for any reason which the market administrator determines was not under the control of the producer, loses 20 percent or more of the cows in his herd and furnishes the market administrator, within 5 days after such loss, with satisfactory documentary evidence thereof, such producer shall be permitted 3 months in which to replace such cows and the market administrator shall credit such producer with the delivery of his established base in the determination of such producer's daily base;

(ii) Add together in one sum all the daily-average amounts computed according to (i) (1) (i) of this section;

(iii) Determine, from reports filed by handlers pursuant to § 964.7 (a), the average daily Class I milk of handlers for such months of September, October, and November;

(iv) Divide the amount determined pursuant to (i) (1) (iii) of this section by the sum determined pursuant to (i) (1) (ii) of this section; and

(v) Multiply the daily average amount for each producer determined in (i) (1) (i) of this section by the percentage figure computed pursuant to (i) (1) (iv) of this section. This result shall be known as the producer's daily base for the current calendar year;

(2) In the event of allotment of a daily base to a producer who did not regularly sell milk to a handler on September 1 of the preceding calendar year, or to a producer who for other reasons does not have a base computed under (i) (1) of this section, the market administrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately following the first regular delivery of such producer, or, in the case of a producer previously holding a base, the first 2 full calendar months immediately following the first regular delivery following the date of termination of such base. Such daily average deliveries of milk shall be multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the marketing area by all daily base-holding producers during such 2 calendar months; and

(3) If a handler who distributes within the marketing area milk of his own production disposes of all or a part of his delivery routes to a handler who handles milk of producers and thereafter delivers milk to a handler as a producer, a daily base for such producer shall

be computed by the market administrator in the following manner: determine the average daily Class I milk produced and disposed of on such delivery routes of such handler during the 3 months next preceding the date of the disposal of such delivery routes which the purchasing and selling handlers jointly report as involved in the deal, subject to verification by the market administrator. This figure shall be known as the producer's daily base and shall be effective from the date of the first delivery of milk of his own production in bulk to a handler by such producer through the remaining calendar year and thereafter shall be superseded by a daily base determined pursuant to (i) (1) of this section.

(j) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in (i) (2) of this section;

(2) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the base of such producer shall be forfeited at the beginning of the delivery period during which such milk was delivered and all milk sold or delivered to a handler by such producer during such delivery period shall be excess milk.

Thereafter, such producer shall receive a daily base computed in the manner provided in (i) (2) of this section;

(3) If, on or before the 5th day after the transfer of ownership of a farm from which base milk is delivered, and/or a herd producing base milk, there is submitted to the market administrator an affidavit stating that such farm and/or herd has been transferred, and specifying the date of such transfer and the ear tag numbers of the animals so transferred, signed jointly before a notary public by the transferee and the transferor of such farm and/or herd, and if, within 10 days after the announcement of such transfer, no written protest containing information that such transfer was contrary to the terms of this subparagraph is filed with the market administrator, the base of such producer may be transferred but only as one unit to the purchaser of such farm and/or herd. If, upon investigation, the market administrator finds the terms of this subparagraph have been violated, the base of such producer shall be forfeited;

(4) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship; and

(5) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That, at the beginning of a tenant and landlord relationship, the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.

§ 964.11 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundred pounds, the exact amount to be determined by the market administrator, from the payments made to each producer pursuant to § 964.10, with respect to all milk of producers handled by such handler during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such money shall be expended by the market administrator for verification of weights, sampling, and testing of milk of producers during the delivery period and to provide such producers with market information, and such services shall be performed in whole or in part by the market administrator.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers, pursuant to § 964.10, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 964.12. *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk of producers handled by him and milk produced by him during such delivery period, an amount not exceeding 4 cents per hundredweight, the exact amount to be determined by the market administrator. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by it to the plants from which no milk is disposed of in the marketing area.

§ 964.13 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after

such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(d) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall be performed, if the Secretary so directs, by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, (iii) when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iv) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such other person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over, and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 964.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 24th day of September 1942, to be effective on and after the 4th day of October 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
*Acting Secretary of Agriculture.*

Approved: September 29, 1942.

FRANKLIN D. ROOSEVELT,  
*President of the United States.*

[F. R. Doc. 42-9777; Filed, October 1, 1942; 11:53 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service

[General Order C-34, 3d Supp.]

#### PART 116—CIVIL AIR NAVIGATION

##### APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra*.

[General Order C-27, 1st Supp.]

#### PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

##### AMENDMENT OF PREEXAMINATION REGULATIONS

September 25, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458; § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), and all other authority conferred by law, the following amendments of Part 142 of the said regulations (6 F.R. 65, 229) are hereby promulgated.

Section 142.2 (§ 17.2 of General Order No. C-27 of December 31, 1940) is amended by deleting paragraph (c) of the said section and by redesignating present paragraphs (d) and (e) as paragraphs (c) and (d) of the said section.

EARL G. HARRISON,  
*Commissioner.*

Approved:

FRANCIS BIDDLE,  
*Attorney General.*

[F. R. Doc. 42-9741; Filed, September 30, 1942; 2:56 p. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 241]

#### PART 60—AIR TRAFFIC RULES

##### TRANSPORTATION OF CERTAIN EXPLOSIVES BY PAN AMERICAN AIRWAYS, INC.

Authorization to Pan American Airways, Inc., to transport certain explosives by or for Dudley South, contractor, to Rubber Reserve Company.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of September 1942.

The Rubber Reserve Company, a subsidiary of the Reconstruction Finance Corporation, having by letter dated September 28, 1942, requested the Board to permit Mr. Dudley South, a contractor with the Rubber Reserve Company, to ship 500 rounds of ammunition for a .38-calibre pistol from Miami, Florida, to Caracas, Venezuela, via Pan American Airways on Wednesday, September 30, 1942; and

It appearing to the Board that the said 500 rounds of ammunition are acceptable explosives within the meaning of § 60.972 for carriage by aircraft in passenger flight, and that such ammunition will be placed in the baggage compartment, inaccessible to the passengers; and

The Board finding that its action is necessary to the prosecution of the war;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, enacts the following special regulation, effective immediately:

Notwithstanding the provisions of § 60.973 (b) of the Civil Air Regulations, but subject to all other pertinent sections thereof, Dudley South, a contractor to the Rubber Reserve Company, may ship by air express, or carry as a part of his personal baggage, and Pan American Airways, Inc., its agents, officers, and employees may carry, not to exceed a total of 500 rounds of .38-calibre ammunition for an automatic pistol to Caracas, Venezuela, on any scheduled Pan American Airways flight leaving Miami, Florida, on or before October 15, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
*Secretary.*

[F. R. Doc. 42-9762; Filed, October 1, 1942; 11:32 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

#### PART 4—AIR COMMERCE REGULATIONS

##### APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

Amendments to regulations<sup>1</sup> for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration.

The regulations for the application to Civil Air Navigation of the laws and regulations relating to Customs, Public Health, Entry and Clearance, and Immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, as amended on October 31, 1941 and June 5, 1942 (6 F.R. 4516, 4536, 4537, 4514, 5582, 5583, 5596 and 7 F.R. 4471, 4472, 4496; 19 CFR 4.1 to 4.11, 42 CFR 11.501 to 11.516, 14 CFR 904.1 to 904.15, and 8 CFR 116.1 to 116.16), are hereby further amended as follows:

Section 4.9 (a) of Title 19, Code of Federal Regulations, also designated as § 11.509 (a) of Title 42, § 904.9 (a) of Title 14, and § 116.9 (a) of Title 8, is amended by deleting "Commerce Form 1378-B or

<sup>1</sup> These regulations entitled "Air Commerce Regulations" appear under four designations, i. e., as §§ 4.1 to 4.10e, Title 19, (Customs Duties); §§ 11.501 to 11.515, Title 42 (Public Health); §§ 9.1 to 9.15, Title 46 (Shipping); and §§ 116.1 to 116.15, Title 8 (Aliens and Nationality), Code of Federal Regulations.

1380" and inserting in lieu thereof "customs Form 7301, 7567 or 7569".

Section 4.10a (d) of Title 19, also designated as § 11.511 (d) of Title 42, § 904.11 (d) of Title 14, and § 116.11 (d) of Title 8, is amended by deleting the second sentence and inserting in lieu thereof the following:

When such aircraft has on board no merchandise from any place outside the United States and if no bond on customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on customs Form 7301 "Bond of vessel or aircraft to produce complete manifest and/or export declarations," shall be required. (R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, sec. 5, 27 Stat. 451, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 5 U.S.C. 22, 19 U.S.C. 66, 1623, 1644, 49 U.S.C. 177, 42 U.S.C. 94, 8 U.S.C. 102, 222. Secs. 201 (a), 205 (b), President's Reorganization Plan No. I, sec. 1, President's Reorganization Plan No. V; 4 F.R. 2728, 2729, 5 F.R. 2132, 2223. E.O. 9083, Feb. 28, 1942; 7 F.R. 1609).

The use of customs Forms 7301, 7567 and 7569 as herein provided shall be effective on a date to be fixed by the Commissioner of Customs in a circular letter after the revised issues of those forms have been printed. Commerce Form 1378-B and 1380 are hereby abolished as of the date fixed in the circular letter for the use of such customs forms.

W. R. JOHNSON,  
Commissioner of Customs.

[SEAL.] HERBERT E. GASTON,  
Acting Secretary of the Treasury.  
PAUL V. McNUTT,  
Federal Security Administrator.  
FRANCIS BIDDLE,  
Attorney General.

SEPTEMBER 21, 1942.

[F. R. Doc. 42-9754; Filed, September 30, 1942;  
4:36 p. m.]

## TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—DETERMINATIONS RELATING TO  
OVERTIME, SUNDAY, AND HOLIDAY PAY

SHIP BUILDING AND SHIP REPAIR INDUSTRY

Temporary stay of application of Executive Order 9240 to the ship building and ship repair industry.

The Chairman of the Ship Building Stabilization Committee has advised me that the Zone Standards Agreements for the Ship Building and Ship Repair Industry and the Pacific Coast Repair Agreements, which have been approved by Governmental agencies, are operating satisfactorily, that the premium com-

pensation problem in the Ship Building Industry has been resolved in substantial accord with the principles of Executive Order 9240 and that negotiations are proceeding for the purpose of conforming the provisions of these agreements to such principles with respect to the payment of premium compensation in the Ship Repair Industry and in other respects. In view of these negotiations he has requested that the application of Executive Order 9240 to the Ship Building and Ship Repair Industry be stayed for a period of 60 days from October 1, 1942.

Upon consideration of the operation of these wage stabilization agreements and the present negotiations as to premium compensation in the Ship Repair Industry, I find there is sufficient cause for the grant of the request.

Now, therefore, it is ordered, Pursuant to the authority vested in me by Executive Order 9248 that the application of Executive Order 9240 entitled "Regulations Relating to Overtime Wage Compensation" to work in the Ship Building and Ship Repair Industry, which is subject to the Zone Standards Agreements for the Ship Building and Ship Repair Industry and the Pacific Coast Repair Agreements, is stayed for a period of 60 days from October 1, 1942.

Dated: September 30, 1942.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 42-9767; Filed, October 1, 1942;  
11:24 a. m.]

## PART 3—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY BUILDING AND CONSTRUCTION TRADES

Determination under Executive Order 9248 as to the building and construction trades Wage Stabilization Agreement.

A Wage Stabilization Agreement for the Building and Construction Trades Industry, engaged on war construction work, which stabilizes, among other things, overtime compensation practices in that industry has been in operation since July 1941. This agreement was approved by the Government departments and agencies concerned with such building construction projects. The Board of Review of the War Production Board which administers that stabilization agreement, entitled "Memorandum of Agreement between the Representatives of Government Agencies Engaged in Defense Construction and the Building and Construction Trades Department of the American Federation of Labor", has informed me that the agreement is operating satisfactorily in that industry and has made application that the provisions of Executive Order 9240 shall not apply to any war construction work subject to the said stabilization agreement. The Building and Construction Trades De-

partment of the American Federation of Labor which is a party to the stabilization agreement has made similar application.

Upon investigation it appears that this Wage Stabilization Agreement approved by a Government department or agency is operating satisfactorily to stabilize overtime practices in the industry.

Now, therefore, By virtue of the power vested in me by Executive Order No. 9248, it is ordered that the provisions of Executive Order No. 9240 entitled "Regulations Relating to Overtime Wage Compensation" shall not apply to work on construction projects which is subject to the said stabilization agreement.

Dated: September 30, 1942.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 42-9765; Filed, October 1, 1942;  
11:24 a. m.]

## TITLE 30—MINERAL RESOURCES Chapter III—Bituminous Coal Division PART 328—MINIMUM PRICE SCHEDULE DISTRICT No. 8

[Docket No. A-1617]

### ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for a change in seam classifications of coal produced by certain code members in Cumberland, Pickett, Putnam and Roane Counties, Tennessee, in District No. 8, for all shipments except truck and for truck shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in seam classifications for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) and § 328.11 (*Alphabetical list of code members*) are supplemented to include the following changes in seam classifications for coals produced by the following code members:

SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR  
TRUCK SHIPMENTS

## SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN

Mine Index No.	Code member—Index name	Mine	High volatile seam
<b>CUMBERLAND COUNTY, TENN.</b>			
918	Acme Coal Mining Company.....	Acme Coal Mining Co.....	From Nelson. To Sewanee.
1038	Barnes, S. F.....	S. F. Barnes.....	From Bon Air No. 2. To Nelson.
2001	Carter & Sons, A. C.....	Carter & Sons.....	From Bon Air No. 2. To Nelson.
2006	Derrick, F. A.....	No. 1.....	From Bon Air No. 2. To Sewanee.
2013	Givens, Beecher and E. V. McCollum (E. V. McCollum).....	Givens & McCollum.....	From Bon Air No. 2. To Sewanee.
2016	Thompson, Bob, Capt.....	Capt. Bob Thompson.....	From Bon Air No. 2. To Sewanee.
2017	Walker, Newton D. (Haley Mountain Coal Co.).....	Haley Mountain.....	From Bon Air No. 2. To Sewanee.
<b>FICKETT COUNTY, TENN.</b>			
5369	Powell Brothers & Co., Inc., c/o Leonard Bernard.....	Powell Bros.....	From No. 3. To Bon Air No. 2.
5456	Powell Brothers & Co., Inc., c/o Leonard Bernard.....	Powell Bros. No. 1.....	From No. 3. To Bon Air No. 2.
		Powell Bros. No. 2.....	From No. 3. To Bon Air No. 2.
<b>PUTNAM COUNTY, TENN.</b>			
3453	Randolph, G. E.....	Clark.....	From Bon Air No. 1. To Bon Air No. 2.
<b>ROANE COUNTY, TENN.</b>			
5237	George, R. C.....	U. S. No. 1.....	From— To Sewanee.
2030	McNeal, Lee (Lee McNeal Coal Company).....	Lee McNeal.....	From Coal Creek. To Sewanee.
5442	Sartin and Sartin (George Sartin).....	Sartin's.....	From Nelson. To Sewanee.

SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS  
EXCEPT TRUCK

<b>ROANE COUNTY, TENN.</b>			
5237	George, R. C.....	U. S. No. 1.....	From— To Sewanee.
<b>CUMBERLAND COUNTY, TENN.</b>			
2016	Thompson, Bob, Capt.....	Capt. Bob Thompson.....	From Bon Air No. 2. To Sewanee.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: September 29, 1942.

(SEAL)

DAN H. WHEELER,  
Director.

[F. R. Doc. 42-9725; Filed, September 30, 1942;  
11:32 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter VI—Selective Service System

[No. 128]

MILITARY AND OCCUPATIONAL HISTORY OF  
MEN RELEASED FROM ACTIVE DUTY

## ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations; I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 128, "Military and Occupational History of Men Released from Active Duty," effective im-

16 F.R. 6834.

mediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

SEPTEMBER 28, 1942.

[F. R. Doc. 42-9750; Filed, September 30, 1942;  
3:37 p. m.]

## Chapter IX—War Production Board

## Subchapter B—Director General for Operations

PART 978—UTILITIES—MAINTENANCE,  
REPAIR AND SUPPLIES

[Extension 2 to Preference Rating Order  
P-46<sup>2</sup> Amended to March 26, 1942]

Preference Rating Order P-46 amended, is hereby extended to expire on October 10, 1942. This extension shall be effective September 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9751; Filed, September 30, 1942;  
3:41 p. m.]

## PART 937—ZINC

[Conservation Order M-11-b,<sup>3</sup> as Amended  
October 1, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.13 Conservation Order M-11-b—  
(a) Prohibition on use of zinc in articles appearing on List A. (1) Between July 24, 1942 and September 1, 1942, no person shall put into process in the manufacture of any item on List A more weight of zinc than 50% of the average monthly weight of zinc put into process by him during 1941 in the making of such item, and no person shall put into process any zinc in the making of such item un-

<sup>1</sup> Filed as part of the original document.

<sup>2</sup> 7 F.R. 2348, 4699, 5272, 5903, 7234.

<sup>3</sup> 7 F.R. 5703.

less processing thereof will be completed within such period.

(2) Effective September 1, 1942, no person shall process any zinc to make any item on List A.

(3) No person shall process any zinc to make any item on List A-1 after the governing date set forth opposite such item in column 2 of List A-1. No person shall at any time process any zinc to make any item now or hereafter placed on List A-1 unless the item will be completed by the governing date applicable to the item.

(b) *Limitation on other uses of zinc.* No person shall put into process during any calendar quarter in the manufacture of items not on List A more than 75% of the weight of zinc of prime western grade or, more than 50% of the weight of zinc of any other grade respectively put into process by him in the manufacture of such items during the corresponding calendar quarter of 1941.

(c) *General exceptions.* The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc in any item which is being produced:

(1) Under a specific contract or sub-contract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States or the United States Maritime Commission, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States", (Lend-Lease Act) to the extent required by specifications, including performance specifications, applicable to the contracts, sub-contracts or purchase orders of these organizations.

(2) For use to comply with safety regulations issued under governmental authority which require the use of zinc to the extent employed, or

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical, or

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(d) *Prohibitions against sales or deliveries of zinc.* No person shall after July 24, 1942, sell or deliver zinc to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No person shall accumulate an inventory of zinc or products thereof, in the form of

raw materials, semi-processed materials, finished parts or sub-assemblies in quantities in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of zinc products by this order. Any person who has an inventory in excess of a minimum practicable working inventory is prohibited from receiving additional zinc or products thereof beyond that extent necessary to maintain a minimum practicable working inventory.

(f) *Miscellaneous provisions—(1) Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 24, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of zinc in the production of any article, the limitation of such other order shall be observed.

(3) *Violations or false statements.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(4) *Definitions.* For the purposes of this order:

(i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust (for Sheradizing only), scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Prime western zinc" means zinc of no higher grade than that conforming to American Society for Testing Materials specification B6-37, grade 5, and zinc dust for Sheradizing.

(iii) "Zinc of any other grade" means zinc conforming to American Society for

Testing Materials specification B6-37, grades 1a, 1, 2, 3, or 4, and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not (including, but not limited to, any trustee, receiver, assignee, or personal representative thereof).

(vi) "Item" means any article or component part thereof.

(vii) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(viii) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(ix) "Sheradizing" means any process which uses zinc dust or finely divided zinc as a raw material for impregnating the surface of a ferrous material with zinc by process of cementation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANTZLER,  
Director General for Operations.

#### LIST A

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A.

#### Automotive:

Diezel engines.  
Passenger cars.  
Trailers.  
Trucks.

#### (Except mechanical or functional items) Art craft and furnishings:

Andirons.  
Bookends.  
Candlesticks.  
Coat hooks.  
Door chimes.  
Fireplace fittings.  
Mirror frames.  
Picture frames.  
Statues.

#### Bicycles and tricycles:

Bicycles, except for protective coatings on wire for spokes.  
Tricycles.



Binoculars.  
Beauty shop and barber shop equipment and supplies (whether for home or business uses):  
Hair curlers.  
Hair dryers.  
Lotion dispensers.  
Permanent waving machines.  
Builders' supplies and hardware, except protective coatings:  
Casement hardware.  
Door knockers.  
Down spouts.  
Flashing.  
Gutters.  
Lock parts, except lock cylinders.  
Roofing.  
Screen door and window attachments.  
Sliding.  
Venetian blind hardware.  
Weatherstripping.  
Burial equipment:  
Caskets.  
Casket hardware.  
Markers.  
Vaults.  
Clock & watch cases.  
Cosmetics:  
Cosmetic containers  
Compacts and lipstick holders.  
Lotion dispensers.  
Perfume dispensers.  
Coin operated devices:  
Automatic phonographs.  
Gaming machines.  
Vending machines.  
Cameras and photographic equipment:  
Cameras.  
Developing machines.  
Enlargers.  
Printing machines.  
Projectors.  
Cooking appliances:  
Electric stoves and ranges.  
Gas-fired stoves and ranges (except items for repair or maintenance).  
Clothing accessories and other accessories:  
Buckles.  
Buttons.  
Costume jewelry.  
Handbag fittings.  
Slide fasteners and other clothing accessories.  
Electric fans.  
Electrical household appliances.  
Electric motors, except for motor rotors.  
Kitchen, household, restaurant & soda fountain items:  
Butter chippers.  
Can openers.  
Coffee urns.  
Coffee grinders.  
Dishwashing machines, except protective coatings.  
Drink mixers and shakers.  
Egg slicers.  
Food mixers.  
Fruit juicers.  
Grilles.  
Ice cream cabinets.  
Ice crushers.  
Meat slicers.  
Patent medicine dispensing machines.  
Potato slicers & mashers.  
Sterilizers.  
Toasters.  
Lamps, except protective coatings.  
Laundry tags and other clothing markers.  
Lawn mowers and lawn sprinklers.  
Lighting fixtures, except protective coatings.  
Luggage:  
Fittings.  
Hardware.  
Metal plastering bases (Except protective coatings).  
Metal furniture.  
Musical instruments.

Novelties:  
Advertising novelties.  
Jewelry cases.  
Letter openers.  
Novelty jewelry.  
Souvenirs.  
Office supplies:  
Autodexes.  
Box openers.  
Calendar bases & holders.  
Envelope openers.  
Envelope sealing machines.  
Gummed paper dispensing machines.  
Paper weights.  
Pen bases.  
Pencil sharpeners.  
Stapling machines.  
Stenciling devices.  
Ornamental and decorative uses (whether or not the item is included in List A).  
Outboard motors, except items for repair and maintenance.  
Parking meters.  
Portable and standing lamps, except protective coatings.  
Radios and non-coin operated phonographs, except functional items for repair and maintenance.  
Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses) except items for repair and maintenance.  
Sewing machines (except items for repair and maintenance).  
Signs:  
Advertising specialties.  
Name plates.  
Billboards.  
Merchandise displays of all kinds.  
Smokers' supplies:  
Ash trays.  
Cigar and cigarette lighters.  
Smokers' accessories.  
Soap dispensers.  
Slugs and tokens of all kinds.  
Spittoons.  
Stationary gasoline and Diesel engines.  
Stokers.  
Toys and games.  
Vacuum cleaners and sweepers (except items for repair and maintenance).  
Washing machines (except items for repair and maintenance).

LIST A-1<sup>1</sup>

The use of zinc in the items below and in all component parts of such items is prohibited after the governing date indicated except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A-1.

## Governing date

Closures for glass containers. October 10, 1942  
[F. R. Doc. 42-9769; Filed, October 1, 1942; 11:28 a. m.]

## PART 1072—SOLE LEATHER

[Supplementary Order M-80-c]

§ 1072.4 *Supplementary Order M-80-c.* Pursuant to paragraph (b) (1) of Order M-80 as amended to August 5, 1942,<sup>2</sup> which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from October 1, 1942, to October 31, 1942, inclusive, at least 15% of the quantity of manufacturers

bends produced by him for his own account, or produced for his account by others, during that period. The weight and quality of said portion set aside shall be proportionately equal, as nearly as can be, to those of the manufacturers bends not so set aside.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,

*Director General for Operations.*

[F. R. Doc. 42-9770; Filed, October 1, 1942; 11:28 a. m.]

## PART 1153—FLUORESCENT LIGHTING FIXTURES

[Amendment 4 to General Limitation Order L-78]

§ 1153.1 *General Limitation Order L-78.* Limitation Order L-78 as amended April 23, 1942, June 13, 1942, and September 1, 1942<sup>1</sup> is hereby further amended by striking out the provisions of Amendment No. 3 issued September 1, 1942 and substituting the following:

Limitation Order L-78 as amended shall continue in effect through October 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,

*Director General for Operations.*

[F. R. Doc. 42-9772; Filed, October 1, 1942; 11:29 a. m.]

## PART 1233—THERMOPLASTICS

[General Preference Order M-154, as Amended October 1, 1942<sup>3</sup>]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of thermoplastics, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1233.1 *General Preference Order M-154—(a) Definitions.* For the purposes of this order:

(1) "Thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized, and in all their various forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions and

<sup>1</sup> This order as amended adds List A-1. E.O.

<sup>2</sup> 7 F.R. 6076.

<sup>3</sup> 7 F.R. 2579, 3033, 4474, 6934.

<sup>4</sup> 7 F.R. 4842, 5643, 6419.

flake, but not including yarn or textiles:

- (i) Polymers of styrene.
- (ii) Polymers of the esters of acrylic and methacrylic acid.
- (iii) Polymers of vinyl acetate which have been partially or wholly hydrolyzed and reacted with aldehydes such as formaldehyde, acetaldehyde or butyraldehyde.
- (iv) Polymers of vinylidene chloride.
- (v) Cellulose acetate-butyrate.
- (vi) Cellulose acetate.
- (vii) Cellulose nitrate, except that used in explosives and protective coatings.
- (viii) Ethyl cellulose (plasticized).
- (ix) Monomer and polymers of vinyl acetate.
- (x) Nylon.

(xi) Polymers of vinyl alcohol—polymers of vinyl acetate which have been partially or wholly hydrolyzed.

(2) "Producer" means any person engaged in the production of thermoplastics and includes any person who has thermoplastics produced for him pursuant to toll agreement, but does not include injection, compression or extrusion molders.

(3) "Class I uses" means those uses set forth in Exhibit A annexed hereto and made a part hereof.

(4) "Class II uses" means those uses set forth in Exhibit B annexed hereto and made a part hereof.

(5) "Class III uses" means those uses set forth in Exhibit C annexed hereto and made a part hereof, except as hereinafter in paragraph (a) (6) otherwise provided.

(6) "Class IV uses" means those uses set forth in Exhibit D annexed hereto and made a part hereof, except that until September 1, 1942, such uses shall be considered as Class III uses.

(7) "Orders for Class I, II, and III uses" mean orders for the uses set forth in paragraphs (a) (3), (4) and (5) hereof exclusive of defense orders as defined in priorities regulation No. 1, as amended from time to time.

(8) Application should be made to the War Production Board, attention Chemicals Branch, with respect to the classification of uses not mentioned in paragraphs (a) (3), (4), (5) and (6) hereof.

(9) "15-day production period" shall refer to those periods of the month commencing with the first and fifteenth days thereof and ending with the fourteenth and last days thereof (all days inclusive), respectively.

(b) *Placing of orders.* On and after September 1, 1942, no producer shall accept and no person shall tender an order for delivery of thermoplastics unless such order is accompanied by a certificate manually signed by the person (or his duly authorized agent) tendering such order containing representations by the person seeking delivery that the thermoplastics sought will not be used in violation of paragraph (f) of this order.

(c) *Compulsory acceptance of certain orders.* In addition to the orders, acceptance of which is compulsory under Priorities Regulation No. 1, as amended from time to time, and subject to the same terms and conditions applicable thereto, and subject to the provisions of paragraph (b) hereof, orders for delivery of thermoplastics for Class I, II, and III uses must be accepted by a producer.

(d) *Scheduling of production.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, on the first and fifteenth days of each month commencing with the 1st day of November, 1942, each producer shall schedule production (and make delivery) under orders on hand which must be put in process during the then current 15-day production period to meet the delivery dates specified in such orders on such days, respectively, in accordance with the following directions.

(1) Provision shall be made for filling, insofar as possible, defense orders in accordance with the applicable provisions of Priorities Regulation No. 1, as amended from time to time.

(2) After provision has been made for filling defense orders, provision shall be made for filling, insofar as possible, orders for Class I uses. Whenever a producer will be unable to fill orders for Class I uses, all orders for such uses shall be filled on an equal basis percentage-wise, regardless of preference ratings.

(3) After provision has been made for filling defense orders and orders for Class I uses, provision shall be made for filling, insofar as possible, orders for Class II uses to the extent of 50%, and no more, of each order. Whenever a producer will be unable to fill orders for Class II uses to the extent of 50%, and no more, of each such order, all orders for such uses shall be filled on an equal basis percentage-wise regardless of preference ratings.

(4) After provision has been made for filling defense orders, orders for Class I uses and orders for Class II uses (to the extent of 50%, and no more), provision shall be made for filling, insofar as possible, the unfilled portion of orders for Class II uses and orders for Class III uses, the unfilled portion of orders for Class II uses and orders for Class III uses receiving equal quantities of thermoplastics, by weight, regardless of preference ratings, until orders for Class II uses have been filled in toto. Whenever a producer will be unable to fill the unfilled portion of orders for Class II uses or orders for Class III uses, the unfilled portion of orders for Class II uses shall, as a class, be filled on an equal basis percentage-wise, regardless of preference ratings, and orders for Class III uses shall likewise, as a class, be filled on an equal basis percentage-wise, regardless of preference ratings. Provision shall

not be made for the filling under this paragraph (d) (4) of those orders for Class III uses which will be filled by the use of scrap as provided in paragraph (e) hereof.

(5) Except as may be otherwise directed by the Director General for Operations, no orders shall be put in process except in accordance with the provisions of paragraphs (d) (1), (2), (3) and (4) hereof.

(e) *Use of scrap.* (1) Producers may use 100% scrap (built up with the amount of solvent and plasticizer necessary for reprocessing) resulting from the production of thermoplastics to fill orders for Class III uses without regard to the provisions of paragraph (d) hereof: *Provided, That:*

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used to fill defense orders or orders for Class I or Class II uses, and

(ii) The quantity of such scrap does not exceed 15% of the producer's production (estimated for the month in which the scrap is to be used) of the type of thermoplastic material involved.

(2) Persons obtaining scrap from the processing of thermoplastics delivered to them may use such scrap for a use other than that for which the thermoplastics were delivered (as set forth in the certificate furnished pursuant to the provisions of paragraph (b) (3): *Provided, That:*

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used for the use for which the thermoplastics from which it was obtained were delivered, and

(ii) The quantity of such scrap does not exceed 15% of the quantity of thermoplastics from which it was obtained.

(f) *Prohibited uses.* (1) On and after September 1, 1942, no producer shall deliver thermoplastics for uses set forth in Exhibit D annexed hereto (regardless of preference ratings): *Provided, however,* That deliveries of thermoplastics for such uses may be made if the order therefor was received and put in process prior to June 27, 1942.

(2) On and after September 1, 1942, no person shall use thermoplastics for uses set forth in Exhibit D annexed hereto other than the quantities in his inventory prior to the effective date of this order or the thermoplastics that may be delivered pursuant to the provisions of paragraph (f) (1) hereof (regardless of preference ratings).

(g) *Exceptions.* (1) Nothing in paragraph (b) contained shall apply to deliveries to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the

Office of Scientific Research and Development;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, and Yugoslavia; and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(2) Nothing in paragraph (f) contained shall apply to deliveries to or for the account of, or use by, the Army or Navy of the United States or the United States Maritime Commission.

(h) *Effect on other orders.* Nothing in this order contained shall be construed to permit the manufacture of any item or of more units of any item listed under Class I, II or III uses if the manufacture of said item has been prohibited or curtailed by the terms of another order of the Director General for Operations whether heretofore or hereafter issued.

(i) *Reports.* Reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of thermoplastics conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations by addressing a letter to the War Production Board, Chemicals Branch, reference M-154, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Notification of customers.* Producers of thermoplastics shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(m) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to

the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(n) *Communications.* Acceptances of this order, all reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, attention Chemicals Branch, Washington, D. C., reference M-154.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October, 1942.

ERNEST KANZLER,  
Director General for Operations.

#### EXHIBIT A (Class I Uses)

Class I comprises such uses as are essential to the productive effort of the country, such as industrial equipment, transportation, and health. Only functional uses, not readily substituted by more available materials, are included in Class I, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in Class III even though the end use of the product would normally place it in Class I.

#### Public Transportation

Commercial aircraft parts and accessories.

Railway equipment.

Trucks and buses:

- (1) Safety glass.
- (2) Control knobs.
- (3) Lighting equipment.
- (4) Electrical parts.
- (5) Other functional parts.

Merchant marine applications.

#### Communications

Telephone equipment.

Telegraph equipment.

Radio parts, except as defined in Class III:

Dials.

Functional parts.

Electrical transcription records and direct cutting records for radio use.

Motion picture equipment, professional, including film.

Photographic equipment and supplies, professional, including portrait, commercial, and graphic arts, cut films.

#### Industrial Productive Equipment

Battery cases.

Belting, transmission.

Industrial instruments—crystals, lenses, and other parts.

Electrical equipment, e. g., coils and condensers.

Refrigerator parts.

#### Industrial tools:

Handles for screw drivers and chisels, but not other carpenter tools.

Handles for heavy duty factory tools.

Oil cans and oil cups.

Hammer heads.

Sewing machine parts.

Identification, supplied by factories to employees:

Passes.

Buttons.

Tags.

Pass cases.

Functional parts of production machinery:

Inspection windows and covers.

Sight glasses.

Control knobs.

Laminated plastic instruction charts for machinery, repair and maintenance, and factory operation.

Transparent holders for factory instructions and blue prints.

Transparent inventory boxes.

Weighing machines.

Battery charging equipment.

Printing plates.

#### Accessory Equipment for Industrial Plants, Offices, and Commercial Establishments

Lighting fixtures, switches, and parts for electrical distribution.

Control panels and parts.

Heating equipment parts, e. g., oil burners and thermostats.

Insulation.

Fan parts (electric).

Air filter and air conditioning equipment.

Functional parts for soap dispensers and disinfectant devices.

Parts for business machines:

Adding machines.

Billings and continuous forms handling typewriters.

Calculating and computing machines.

Dictating machines and collateral equipment, but not including machines embodying amplifiers and other facilities for recording telephone conversations, conferences and wireless messages with near and far voice control.

Duplicating machines, including, but not limited to ink ribbon, gelatin, off set, spirit, stencil and reproducing typewriter principle.

Microfilm machines.

Shorthand writing machines.

Time stamp machines.

Portable and non portable typewriters.

Accounting and bookkeeping machines.

Addressing machines, including, but not limited to embossing machines for plates and stencil cutting machines for fibre stencils.

Billing and other forms writing machines, manifolders and collateral equipment, (autographic registers not included).

Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression).

Pay roll denominating machines and collateral equipment.

Parts for business machines—Continued.  
Punched card tabulating and accounting machines and collateral equipment.  
Time recording machines, except watchman's clocks.  
Autographic registers.  
Cash registers and cash recording machines.  
Check handling machines.  
Change making machines.  
Coin handling machines.  
Envelope handling machines.  
Photographic microfilms.  
Guide cards and visible indexes.  
Counter scales.

*Health Supplies for Medical, Surgical, Dental, or Veterinarian Use*

Hearing aids (individual type).  
Anaesthesia, oxygen, and respiratory equipment supplies.  
Atomizers.  
Clinical thermometers and cases.  
Diagnostic equipment and supplies.  
Hypodermic syringes and needles.  
Infant incubators.  
Instruments.  
Invalid chairs (hand operated), walkers, and crutches.  
Laboratory equipment and supplies.  
Operating room supplies and equipment.  
Optical frames for corrective use only.  
Physio-therapy equipment and supplies for institutional or professional use.  
Splints and fracture equipment.  
Sterilizers.  
Surgical dressings.  
Surgical and orthopaedic appliances (including artificial limbs).  
Ligatures, sutures, and suture needles.  
X-ray equipment and supplies, except film.  
Tooth brushes.  
Hospital beds, mattresses, and essential bedside equipment.  
Pessaries.  
Plastic pipe, connections, and accessories (medical, surgical, dental, and veterinary).  
Containers and closures, minimum functional weight, for:  
Biologicals, anti-toxine, serums, sterile ampoules and intravenous solutions.  
Medical chemicals (limited to medical use).  
Antiseptics and germicides.  
Botanical drugs.  
Hormones and glandular products.  
Vitamins, including human nutritional use.  
Preparations for medicinal use, as recommended by the Health Supplies Branch of the War Production Board.  
Embalming instruments.

*Food Production and Distribution*

Farm implement equipment.  
Food containers and closures, minimum functional weight.  
Harness rings, functional.  
Poultry bands.  
Identification markers for tubercular cattle.

*Technical Equipment*

Technical instruments:  
Drawing instruments.  
Slide rules.  
Meter wheels.  
Gauge glasses.  
Protective covers for instruments.  
Working models.  
Materials for scientific research.

*Safety Equipment.*

Chemical protective uses.  
Fire fighting equipment.  
Industrial safety appliances:  
Machine and mechanical guards.  
Gas mask parts.  
Goggles and shields.  
Hazard measuring devices.  
Helmets.  
Respirators.  
Flashlights and their parts for industrial use, all types.  
Flashlight parts, civilian, except all-plastic cases or those with plastic tubes.

*Housing*

Builder's hardware, except as defined in Class III:  
Counter trim.  
Domestic heating equipment parts:  
Blower parts.  
Thermostat parts and housings.  
Control buttons.  
Weather strippings.  
Plumbing fixtures:  
Faucet handles.  
Valve handles.  
Essential escutcheons.  
Shower heads.  
Waste pipes.  
Electric switches, outlets, and escutcheon plates.  
Lighting fixtures, for permanent installation only.

**EXHIBIT B**

*(Class II Uses)*

Class II comprises such uses as have been considered essential for the convenience and welfare of the civilian population, such as commercial equipment, household appliances, and essential personal items. Only functional uses, not readily substituted by more available materials, are included in Class II, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in Class-III, even though the end use of the product would normally place it in Class II.

*Commercial Equipment*

Printing, commercial, and protective covering, except as covered in Class III.  
Price tags, sanitary, for meat and dairy products only.  
Counter tops and molding.  
Cold frames.

*School and Educational Supplies*

Phonograph records, educational only, including direct cutting records for school use.

*Stereoscopes.*

Musical instruments and their functional parts, except as defined in Class III.  
Models.

*Private Transportation*

Passenger automobiles:  
Safety glass.  
Functional parts and accessories, e. g., control knobs and escutcheons.  
Bicycle parts:  
Lamp housings.  
Reflector buttons.  
Pedals.

*Household Appliances and Fixtures*

Refrigerator parts.  
Sewing machine parts.  
Vacuum cleaner parts.  
Carpet sweeper parts.  
Washing machine parts.  
Stove parts.  
Garden sprinklers.  
Hose couplings and nozzles.

*Essential Personal Items*

Combs, essential utility, minimum functional weight:  
Dressing combs.  
Pocket combs.  
Barber and professional combs.  
Plain tuck, back, or side combs.  
Hair pins.  
Barrettes.  
Straight razor handles.  
Electric razor housings.  
Brushes, minimum functional weight:  
Hair.  
Shaving.  
Buttons and buckles, minimum functional weight, utilitarian, non-decorative.  
Corset steel covering.  
Clothing accessories, essential.  
Garter, belt, and suspender parts, except the belting material.  
Shoe parts:  
Eyelets.  
Lace tips.  
Box toe.  
Umbrella ferrules.  
Zippers.  
Pipe bits.  
Fountain pens.  
Ferrules for wood-cased pencils.  
Knitting needles.  
Crochet hooks.  
Watch crystals.  
Baby rattles, teething rings, and pacifiers.  
Lipstick holders.  
Service vanity cases for rouge and powder, not to exceed 1½" diameter or 1½" square.  
Religious articles.  
Containers for tooth paste, shaving cream, and other personal sanitary use.  
Closures, minimum functional weight.

**EXHIBIT C**

*(Class III Uses)*

Items which are useful, but are either not essential or do not meet the minimum functional weight requirements of Classes I and II.

*Commercial Items*

Price tags, other than for meat and dairy products.  
 Protective envelopes for documents and permanent records.  
 Vending machines and parts.  
 Restaurant supplies.  
 Serving trays.  
 Stationery supplies:  
   Desk sets.  
   Pen bases and holders.  
   Ink stands.  
   Rulers.  
   Pocket pencil sharpeners.  
   Book and catalog binders and covers.  
   Stapling machines.  
 Beauty parlor equipment.  
 Barber shop lather dispensers.  
 Pistol grips.  
 Containers and closures, not otherwise specified.  
 Housing items not defined in Class I:  
   Door knobs.  
   Window lifts.  
   Storm sash.  
 Reflectors, roadside or directional.  
 Restaurant trays.

*Household Items*

Clock cases and crystals.  
 Furniture and furniture parts.  
 Medical instruments, non-professional:  
   Throat lights.  
   Tongue depressors.  
 Chime shields.  
 Tableware:  
   Cups, saucers, plates, and tumblers.  
 Pocket knives.  
 Kitchen canister.  
 Kitchen utensils:  
   Measuring cups and spoons.  
   Strainers.  
   Cooking accessories.  
 Coin banks.  
 Window shades.  
 Chair seats.  
 Air conditioning unit parts.  
 Lighting equipment, portable or temporary lampshades and bases, and light diffusers.  
 Civilian flashlights, all plastic or those with plastic tubes.  
 Home, portable, or auto radio receivers:  
   Control knobs, dial lenses, and louvers.  
 Phonograph records, popular and home recording.  
 Fruit juicers.  
 Spray closures for disinfectants and insecticides.

*Personal Items*

Games and toys, dice, and playing cards.  
 Sporting goods.  
 Phonographic equipment and supplies, amateur, including roll films, film packs, and 8 and 16 mm. reversal films.  
 Sun goggles, other than those for corrective use.  
 Visors.  
 Brushes, novelty or not otherwise specified.  
 Mechanical pencils.  
 Billfolds and pass cases.  
 Hair curlers.  
 Buttons and buckles, decorative.  
 Shoe heels, plastic covered.  
 Handbag frames and handles.  
 Collar and cuff, including dope for same.

## EXHIBIT D

## (Class IV Uses)

Items which are primarily novelty or ornamental, or definitely non-essential.

*Commercial Items*

Soda fountain accessories.  
 Beverage dispensing accessories.  
 Displays:  
   Containers and packages.  
   Fixtures, mannequins, and hosiery forms, etc.  
   Advertising printing.  
   Signs.  
 Restaurant and coin-operated phonograph parts.  
 Amusement machines and parts.  
 Artificial flowers, florists' supplies, and flower pots.  
 Caskets, decorative parts.  
 Thermometer and hygrometer bases and stands.  
 Massaging machine parts.  
 Name plates.  
 Jewelry and watch boxes.  
 Handles for carpenter tools, other than those defined in Class I.

*Household Items*

Christmas tree ornaments and Christmas lighting fixtures.  
 Baby carriage parts.  
 Musical instruments—decorative parts.  
 Sculptured pieces.  
 Table mats, coasters, and table ornaments.  
 Cutlery boxes.  
 Closet accessories—shoe horns, shoe trees, clothes hangers:  
   Hat boxes.  
   Hat stands.  
 Traveling bags, baggage, and handles therefor.  
 Curtain fixtures and window shade pulls.  
 Book ends.  
 Candle sticks.  
 Broom fittings and dust pans.  
 Picture and mirror frames.  
 Table decorations.  
 Salt and pepper shakers.  
 Siphon for carbonated water.  
 Jigger cups.  
 Napkin rings.  
 Bathroom fixtures:  
   Towel bars.  
   Soap dishes.  
   Toilet seats.  
   Laundry hampers.  
   Accessories.  
 Cutlery handles, table and kitchen.

*Personal Items*

Binoculars and their parts and opera glasses.  
 Combs:  
   Fancy side, back or tuck combs, using more material than functionally necessary.  
   Combs with plastic cases.  
   Handle combs.  
   Combination combs.  
   Combs with attachments.  
 Glove fasteners.  
 Cosmetic accessories.  
 Artificial finger nails.

*Smokers supplies:*

Cigarette and cigar holders and cases.  
 Pipe cases.  
 Ash trays.  
 Cigarette boxes.  
 Razor boxes.  
 Toilet sets.  
 Jewelry.

*Clothing Items*

Shoe heels, all plastic.  
 Shoe uppers, woven.  
 Belts, except buckles as otherwise specified.  
 Gems.  
 Millinery.  
 Costume jewelry.  
 Umbrella handles and tips.

*Novelties*

Advertising and miscellaneous novelties.  
 Premium items.  
 Gadgets.

[F. R. Doc. 42-9773; Filed, October 1, 1942; 11:29 a. m.]

## PART 3025—FLUID MILK SHIPPING CONTAINERS

[Conservation Order M-200]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain metals and materials used in the production of fluid milk shipping containers, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3025.1 *Conservation Order M-200—*  
 (a) *Definitions.* For the purposes of this order: (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.  
 (2) "Fluid milk shipping container" means a steel container, suitable for use in connection with the transportation in bulk of fluid milk and fluid milk products, which possesses the following characteristics:

(i) A substantially cylindrical shape.  
 (ii) A coating of tin or a substitute sanitary coating.  
 (iii) A "necked in" top so that the opening is smaller than any part of the body cylinder.  
 (3) "Cover" shall mean the device affixed or to be affixed on a fluid milk shipping container for the purpose of protecting and retaining the contents within the container.

(4) "Neck diameter" means the measurement of the diameter of the neck or throat of a fluid milk shipping container at any point between the base and the upper rim of such neck or throat, and, in addition, shall mean that design of opening or neck which is commonly referred to by manufacturers of fluid milk shipping containers by the dimensions stated.

(b) *Restrictions on manufacture.* On and after the 1st day of October, 1942, no person shall manufacture fluid milk



shipping containers or covers except those complying with the following conditions, limitations, and specifications:

(1) *Capacity.* 4-quart, 8-quart, 10-quart, 12-quart, 20-quart, 32-quart, and 40-quart fluid milk shipping containers shall be manufactured exclusively.

(2) *20-quart fluid milk shipping containers—(i) Steel gauge.* Subject to rolling mill tolerances, 20-quart fluid milk shipping containers shall be constructed of the following maximum U. S. Standard gauge steel:

Breasts and necks, 20 gauge steel;  
Cylinders, 22 gauge steel;  
Bottoms, 18 gauge steel.

(ii) *Neck diameter.* Subject to normal operating tolerances, neck diameters are to equal  $6\frac{1}{8}$ " or 7".

(3) *32- and 40-quart fluid milk shipping containers—(i) Steel gauge.* Subject to rolling mill tolerances, 32- and 40-quart fluid milk shipping containers shall be constructed of the following maximum U. S. standard gauge steel:

Breasts and necks, 18 gauge steel;  
Cylinders, 18 gauge steel;  
Bottoms, 16 gauge steel.

(ii) *Neck diameter.* Subject to normal operating tolerances, neck diameters of 32-quart fluid milk shipping containers to equal  $6\frac{1}{8}$ " or  $7\frac{1}{4}$ ", and neck diameters of 40-quart fluid milk shipping containers to equal  $6\frac{1}{8}$ ", 7", or  $7\frac{1}{4}$ ".

(4) *Standards applying to 20-quart, 32-quart and 40-quart fluid milk shipping containers—(i) Covers.* Sunken cup type covers without umbrella—commonly known in the industry as "plug covers"—only are to be manufactured. Covers to be constructed of 20 gauge steel (U. S. standard), maximum. Both fluid milk shipping containers and covers are to be so constructed as to enable the latter to be used interchangeably on all containers with the same or similar neck diameters.

(ii) *Handles.* Stamped steel upright handles, not tubular in form or construction, only, shall be manufactured and used for 20-quart, 32-quart, and 40-quart fluid milk shipping containers.

(c) *Restrictions on use of steel.* During the period from July 1, 1942 to June 30, 1943, no person shall put into process or process, for the manufacture of fluid milk shipping containers and covers, iron and steel of a total weight greater than 35% of the total weight of iron and steel which he processed or put into process for this purpose during the period between July 1, 1941, and June 30, 1942.

(d) *Exceptions.* (1) The provisions of subparagraphs (2), (3) and (4) of paragraph (b) hereof shall not apply to fluid milk shipping containers of other than 20-quart, 32-quart and 40-quart capacities.

(2) Nothing in this order shall be construed to prevent any person now engaged in the manufacture of fluid milk shipping containers from using steel of a gauge heavier than that permitted by paragraph (b) of this order, or material for handles other than that permitted by paragraph (b) (4) (ii) of this order,

which he had on hand or on order on or before the 1st day of October, 1942, in the manufacture of any part of a fluid milk shipping container: *Provided*, That the manufacture of said fluid milk shipping container is completed on or before the 1st day of November, 1942.

(e) *Miscellaneous provisions—(1) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production, and sales.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance therewith would disrupt or impair any program of conversion from non-defense to defense work, or that compliance therewith would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, may apply for relief to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason or reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he may deem appropriate.

(6) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C. Ref: M-200.

(P.D. Reg. 1, as amended, 6 F.R. 6680; WPB. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9771; Filed, October 1, 1942;  
11:28 a. m.]

## Chapter XI—Office of Price Administration

### PART 1340—FUEL

[Amendment 8 to Maximum Price Regulation 122<sup>1</sup>]

#### MISCELLANEOUS SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

In § 1340.255 paragraph (e) is added, in § 1340.258 (a) subparagraphs (7), (8), (9), and (10) are added, in § 1340.261 paragraph (c) is amended and a new § 1340.261a Appendix B is added to read as set forth below:

#### § 1340.255 Records and reports. \* \* \*

(e) Persons filing statements or reports under paragraph (b) of this § 1340.255 of this Maximum Price Regulation No. 122 shall file such reports with the appropriate War Price and Rationing Board of the Office of Price Administration for each place of business of such person, except that any reports previously filed with the Office of Price Administration in Washington or with the appropriate Regional or State Office of the Office of Price Administration shall be deemed to be properly filed and will be transmitted to the War Price and Rationing Board. Reports of adjustment under paragraph (c) of § 1340.261 of this Maximum Price Regulation No. 122 will also be filed with the appropriate War Price and Rationing Board as provided in subparagraph (7) of said paragraph (c).

#### § 1340.258 Definitions (a) \* \* \*

(7) "Seller" means a person subject to this Maximum Price Regulation No. 122.

(8) "Affiliated supplier" means a person supplying solid fuel who is the same person as the seller receiving such solid fuel or who owns or controls the seller receiving such solid fuel or who is owned or controlled by either the seller receiving such solid fuel or by a person owning or controlling the seller receiving such solid fuel.

(9) "Unequipped dealer" means a seller who is engaged in the business of purchasing solid fuel for resale, and delivers the solid fuel resold by him to consumers from his supplier's place of business, without storing the same, except in a truck or wagon, and who has no facilities customarily used for storing solid fuel other than a truck or wagon.

(10) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's place of business from which the solid fuel is offered for sale.

#### § 1340.261 Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities. \* \* \*

(c) If the maximum price cannot be determined under paragraph (a) or (b)

\* Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 3239, 3666, 3356, 3940, 3941, 5024, 5557, 5335

of this section, or if a seller chooses to depart from paragraphs (a) or (b), he shall determine his maximum price under this paragraph (c). In general, this paragraph (c) allows the weighted average price received in December 1941, plus subsequent increases in the purchase cost. A price may be computed in 1942 for purchase cost increases prior to October 1, 1942. If the seller later wishes to make a computation or recomputation, he may do so only during the months of January or April 1943, upon the basis of purchase cost increases actually incurred in the three-month period prior to such month. However, unequipped dealers are not subject to this time restriction and may compute their prices under subparagraph (1) below. The previous four sentences are explanatory, and the maximum prices provided by this paragraph (c) are determined specifically, as follows:

(1) *Adjustment for unequipped dealers.* The unequipped dealer may add to the highest price actually charged for deliveries of each kind, size and quality of solid fuel during the period December 15-31, 1941, any increased cost he currently pays his supplier for the same solid fuel over the highest cost per ton he paid for such solid fuel delivered during the period December 15-31, 1941.

The highest price shall be separately determined for each class of customer, and quantity of delivery according to the established sales practices of the unequipped dealer.

(2) *Adjustment for equipped dealers.* In computing the maximum price for the sale of a particular size, kind and quality of solid fuel, the seller shall add (i) the "weighted average price" charged during December 1941 for such solid fuel, to (ii) the amount, if any, by which the "weighted average purchase cost" of such solid fuel delivered during the "current cost period" exceeds the "weighted average purchase cost" of the solid fuel during the "base cost period."

(3) The "weighted average price" shall be determined by dividing (i) the total amount charged by such seller for deliveries during December 1941, by (ii) the total tonnage delivered by such seller during that month. The amount charged shall be computed before the deduction or addition, as the case may be, of any allowances, discounts, or special service charges of the types indicated in paragraph (f) of this section. Both (i) the total amount charged and (ii) the total tonnage delivered shall be computed upon the basis of deliveries of:

- (a) The same size, kind and quality of solid fuel;
- (b) In similar quantities;
- (c) To purchasers of the same class (e. g., domestic, commercial, industrial);
- (d) By the same method of delivery (e. g., truck, rail, etc.); and
- (e) Under the same terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

(4) (i) The "weighted average purchase cost" during either the "current cost period" or the "base cost period" shall be determined by dividing (a) the total amount charged to the person computing his price for deliveries to him during the period involved of the size, kind and quality of solid fuel involved, f. o. b. supplier's shipping point (mine, dock, plant or yard) by (b) the total tonnage received by him during the period involved.

(ii) A deduction shall be made, pursuant to this subdivision (ii), when a person computing a "weighted average purchase cost" for the "current cost period" has an increase in the cost of the size, kind and quality involved, at the point from which his supplier shipped the solid fuel, without a corresponding increase in the cost of such fuel delivered to him. Such increases in the cost of the solid fuel f. o. b. supplier's shipping point, to the extent they are not reflected in the cost of such fuel f. o. b. the person's yard, dock or terminal facilities, shall not be used in the computation of the "weighted average purchase cost". The amount of the increases, not reflected in the delivered cost, must be deducted from the total amount referred to under (a) of subdivision (i) of this subparagraph (4) before dividing it by the total tonnage referred to under (b) of said subdivision (i).

(iii) In the event that any tonnage was received from an affiliated supplier, the computation shall be made in accordance with subparagraph (8).

(5) The "current cost period" is a three-month period composed of the latest calendar month prior to October 1, 1942 during which the size, kind and quality involved was received and the two immediately preceding calendar months whether or not any such solid fuel was received in such preceding months. If the computation is being made in January or April 1943, the current cost period shall be the three-month period immediately preceding January 1 or April 1, (that is, October, November, December 1942, or January, February, March 1943).

(6) The "base cost period" is a three-month period in 1941 composed of the latest calendar month in that year in which the size, kind and quality involved was received and the two immediately preceding calendar months whether or not any such solid fuel was received in such preceding months.

(7) *Posting and reports.* No maximum price may be established under this paragraph (c) unless and until the maximum price for each size, kind and quality of solid fuel is posted in accordance with the provisions of paragraph (j) of this § 1340.261 of this Maximum Price Regulation No. 122. All sellers other than unequipped dealers shall also file any maximum price computed under this paragraph (c) together with the amount of any price adjustment on the Form No. 1122.1 set forth in § 1340.261a Appendix B of this Maximum Price Regulation No. 122, with the appropriate War Price and

Rationing Board of the Office of Price Administration. The records and data upon which such adjustment is based shall be kept for the inspection of the Office of Price Administration.

(8) *Purchases from affiliated suppliers; special computation.* In determining the "weighted average purchase cost" under subparagraph (4) above to the extent that any tonnage was received from an affiliated supplier, the computation of the total amount paid by the seller for the size, kind, and quality involved shall be replaced by a computation of the average amount received for such solid fuel by the supplier from all independent purchasers who are persons subject to this Maximum Price Regulation No. 122. Such average amount received shall be determined by dividing (i) the total amount charged by such supplier to such independent purchasers for deliveries during the period involved (the current cost period or the base cost period, as the case may be) by (ii) the total tonnage delivered by such supplier to such independent purchasers during the same period. The average amount thus determined shall then be multiplied by the tonnage received from the supplier in question, during the period involved, by the person who is computing his price under this paragraph (c). The amount resulting from this computation shall then be substituted for the amounts charged the person computing his price by his affiliated supplier in determining the total amount under (a) of subdivision (i) of subparagraph (4) above in the computation of the "weighted average purchase cost."

§ 1340.261a Appendix B: Form for computation of weighed average purchase costs, weighted average price, and price adjustment for solid fuels delivered from facilities other than producing facilities pursuant to § 1340.261, paragraph (c) of this Maximum Price Regulation No. 122.

Form No. 222: 1 Sheet 1

(Name of Dealer)		(Date)	
(Address)		(Kind and Size of Solid Fuel)	
(City)	(County)	(State)	(Dealer's Brand Name)

(A dealer will use one copy of SHEET 1 for each size, kind and quality of solid fuel for which he wishes to adjust his maximum prices.)

*Base Cost Period.* Pursuant to § 1340.261 (c) (6) of this Maximum Price Regulation No. 122 from the records of shipments received during the latest calendar month in 1941 in which the solid fuel in question was received and the two immediately preceding calendar months, if the same solid fuel was received in such preceding calendar months, enter the information requested with respect to each of such shipments during those three months.

Month received	Company purchased from	Net tons purchased	Price paid per net ton f. o. b. supplier's shipping point	Amount paid f. o. b. supplier's shipping point
----------------	------------------------	--------------------	---	--

Total tons.....	Total amount paid \$.....
Weighted average purchase cost per net ton (divide total amount paid by total tons).	
Item A.....	\$.....

**Current cost period.** Pursuant to § 1340.261 (c) (5) of this Maximum Price Regulation No. 122, (a) for reports submitted during the year 1942 from records of shipments received during the latest calendar month prior to October 1, 1942 in which the solid fuel in question was received and the two immediately preceding calendar months, if the same solid fuel was received in such preceding

calendar months, enter the information requested with respect to each of such shipments during those three months; or (b) for reports submitted during January or April 1943 from records of shipments received during the three calendar month period preceding January 1 or April 1, 1943, enter the information requested with respect to each of those shipments during those three months.

Month received	Company purchased from	Net tons purchased	Price paid per net ton f. o. b. supplier's shipping point	Amount paid f. o. b. supplier's shipping point
----------------	------------------------	--------------------	---	--

Total tons.....	Total amount paid \$.....
Weighted average purchase cost per net ton (divide total amount paid by total tons).	
Item B.....	\$.....

**Weighted average price determined as follows:**

Class of purchaser for which new maximum price shown below is being determined:

(A dealer will use as many copies of SHEET 2 as he has classes of customers, established by his own sales practices, for which he wishes to adjust his maximum prices.)

Total Sales Revenue from the above class of purchaser of the solid fuel specified on SHEET 1 during December 1941..... \$.....

Total Tonnage Sold to the above class of purchaser of the solid fuel specified on SHEET 1 during December 1941..... \$.....

December 1941 Weighted Average Price

(Divide Total Sales Revenue by Total Tonnage Sold)

Item C..... \$.....

Sheet 2

This average has to be determined for each class of purchaser where different price classes are in use by the dealer.

**Computation of price adjustment:**  
(All Figures Per Net Ton)

1. Current Cost Period Weighted Average Purchase Cost (Item B, SHEET 1)..... \$.....
2. Base Cost Period Weighted Average Purchase Cost (Item A, SHEET 1)..... \$.....
3. Computed Price Adjustment (line 1 minus line 2)..... \$.....
4. December 1941 Weighted Average Price (Item C, above)..... \$.....
5. NEW MAXIMUM PRICE (line 3 plus line 4)..... \$.....

(Signature)

(Title)

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942, it is a criminal offense punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or both, to make any false statement of entry in the above report.

§ 1340.260a **Effective dates of amendments.** \* \* \*

(h) Amendment No. 8 (§§ 1340.255 (e), 1340.258 (a) (7), (8), (9) and (10), 1340.261 (c) and 1340.261 (a)) to Maximum Price Regulation No. 122 shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9749; Filed, September 30, 1942; 3:20 p. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 12 to Ration Order 5A<sup>1</sup>]

### GASOLINE RATIONING REGULATIONS

Paragraph (a) of § 1394.506 is amended; and a new paragraph (m) to § 1394.1902, is added; as set forth below:

#### Supplementary Rations

§ 1394.506 **Preferred mileage.** \* \* \*

(a) By a duly elected or appointed agent, officer, representative, or employee of a Federal, State, local, or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency, in a passenger automobile or motorcycle not owned or leased by such government or government agency.

(1) For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in (ii) or (iii) hereof) be deemed performance of official business or carrying out an official function.

(ii) Travel by a member of a Board between home or lodgings and the place at which such Board conducts its business, or compensated travel by a member of the Selective Service System between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business; and

(iii) Travel by duly elected members of Federal or State legislative bodies:

Between their places of residence and the city or town of legislative session;

<sup>1</sup> 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6624, 6776, 7339, 7510, 7743.

Within such city or town and within their respective legislative districts in connection with their functions as legislators (except daily or periodic travel between home or lodgings and a fixed place of work); or elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

#### Effective Date

§ 1394.1902 *Effective dates of amendments.* \* \* \*

(m) Amendment No. 12 (§ 1394.506 (a)) shall become effective October 5, 1942. (Pub. No. 671, 76th Cong., 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2nd Sess., Pub. No. 421, 77th Cong., 2nd Sess., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562, 3478, 3877, 5216).

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9746; Filed, September 30, 1942;  
3:21 p. m.]

#### PART. 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Revised Zoning Order 1 Under Rationing Order 3<sup>1</sup>]

##### SUGAR RATIONING REGULATIONS ORDER ESTABLISHING ZONES

Pursuant to § 1407.168 the following order is hereby issued: § 1407.281 (Zoning Order 1) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the State of Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

Zone 2 shall include the State of Connecticut; all points in the State of New York where the base rate is 14 cents or less; and all points in the State of New Jersey where the New York City base rate is 12 cents or less.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all points in the State of Pennsylvania where the base rate is 14 cents or less.

Zone 4 shall include the State of Maryland, except for Garrett and Allegany Counties; the District of Columbia; Berkeley and Jefferson Counties in the State of West Virginia; and all points in the State of Virginia where the base rate is 19 cents or less.

Zone 5 shall include all points in the States of South Carolina and Georgia where the base rate is 15 cents or less.

Zone 6 shall include the State of North Carolina; those parts of the States of

South Carolina and Georgia not included in Zone 5; and that part of the State of Florida which lies east of the Apalachicola River.

Zone 7 shall include the States of Arkansas, Alabama, Louisiana and Mississippi; and that part of the State of Florida which lies west of the Apalachicola River.

Zone 8 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 9 shall include the lower peninsula of the State of Michigan.

Zone 10 shall include the States of Maine, New Hampshire, Vermont and Ohio; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland, West Virginia and Virginia not included in Zone 4; and all points in the State of Indiana where the base rate is based on shipments from Baltimore, Maryland.

Zone 11 shall include all of the continental United States not included in Zones 1 to 10 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 11 to any point in Zones 1, 8 or 10.

(d) From the effective date of Revised Zoning Order 1 to November 1, 1942, confectioner's sugar in bulk may be shipped, delivered or transferred: (1) from Zone 1 to any point in the States of Maine, New Hampshire, Vermont and Massachusetts; (2) from Zone 2 to any point in the State of New York; (3) from Zone 3 to any point in the State of Pennsylvania; (4) from Zone 4 to any point in the States of Maryland, West Virginia, and Virginia and to any point in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; (5) from Zone 5 to any point in Zone 6 except any point in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; and (6) from Zone 7 to any point in the States of Kentucky and Tennessee.

(e) Any carrier who has, prior to the effective date of this Revised Zoning Order 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 as amended (Zoning Order 1 as amended), may complete such delivery, shipment or transfer after the effective date of this Revised Zoning Order 1.

(f) This Revised Zoning Order 1 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 30th day of September 1942.

HAROLD B. ROWE,  
Director, Food Rationing Division.

[F. R. Doc. 42-9755; Filed, September 30, 1942;  
5:06 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 35 to Supplementary Regulation 14<sup>1</sup> of General Maximum Price Regulation 2<sup>1</sup>]

##### VANILLA BEANS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* A new subparagraph (31) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modifications of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(31) *Vanilla beans.*—(i) *Maximum prices.* The maximum prices for vanilla beans shall be as follows:

	Dollars per pound f. o. b. New York or Philadelphia
Mexican—Superior to Extra (Primo).....	\$11.00
Mexican—Cuts—First Quality.....	10.00
West Indies—Regular.....	10.00
Java—Firsts.....	9.50
Bourbons—Firsts.....	10.00
Tahiti—White Label.....	6.00
Tahiti—Yellow Label.....	5.75

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for grades and types not named shall be determined by applying the seller's differentials in effect during the period July-August, 1941, or the differentials of the most closely competitive seller of the same class, if the seller had no established differentials during July-August, 1941 for any grade or type of vanilla beans.

(a) The maximum prices quoted above are f. o. b. New York or Philadelphia. The maximum price f. o. b. any other point of entry will be determined by subtracting from the above prices the transportation charges per pound via the lowest cost available means of transportation from such point of entry to New York or Philadelphia, whichever is lower.

(b) The maximum delivered cost to the buyer shall be:

(1) If the beans are shipped from New York or Philadelphia, the maximum prices quoted above plus actual transportation charges from New York or Philadelphia to the buyer's destination, or

(2) If the beans are shipped to the buyer from a point of entry other than

\*Copies may be obtained from the Office of Price Administration

<sup>1</sup> 7 F.R. 5488, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7671.

<sup>2</sup> 7 F.R. 6007, 6058, 6081, 6216, 6815, 6704, 6939, 7093, 7322, 7454, 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 6783.

<sup>1</sup> 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6057, 6473, 6828, 6937, 7289, 7406, 7321, 7610, 7557.

New York or Philadelphia, the f. o. b. point of entry price as determined under (a) above plus actual transportation charges from such point of entry to the buyer's destination.

(3) If the beans are resold, the maximum price at the point of resale, as determined in (1) or (2) above, plus actually incurred transportation charges to the ultimate buyer's destination.

(c) The maximum prices herein established shall include all commissions and other charges.

(ii) *Permission to carry out contracts made prior to September 30, 1942.* Notwithstanding the provisions of subdivision (i) hereof, contracts entered into prior to September 30, 1942, may be carried out at contract prices: *Provided*, That these prices shall not exceed the maximum prices for vanilla beans as established by the General Maximum Price Regulation before the issuance of this amendment. Before delivering any vanilla beans under such contracts, persons shall file with the Office of Price Administration, Washington, D. C., the following information: (a) date of the contract, (b) the name and address of the buyer and seller, (c) the quantity, type and grade of vanilla beans involved, (d) the cost of the vanilla beans to the seller, (e) the price contracted for with the buyer and (f) the delivery date provided for in the contract.

(iii) *Less than maximum prices.* Lower prices than the maximum prices established by Amendment No. 35 to Supplementary Regulation 14 may be charged, demanded, paid or offered.

(iv) *Evasion.* The Price limitations set forth in this amendment shall not be evaded, whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of vanilla beans, or by way of premium, commission, service, transportation or other charge, or by changing grade standards, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on September 30, 1942, or by any other means.

(b) *Effective dates.* \* \* \*

(36) Amendment No. 35 (§ 1499.73 (a) (31)) to Supplementary Regulation No. 14 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9753; Filed, September 30, 1942;  
5:06 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 1 to Maximum Price Regulation 211<sup>1</sup>]

##### COTTON GINNING SERVICES

In paragraph (a) of § 1499.566a the effective date of Amendment No. 1 is corrected as set forth below:

§ 1499.566a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1499.559

and 1499.566a) to Maximum Price Regulation No. 211 shall become effective September 17, 1942.

§ 1499.566a *Effective dates of amendments.* \* \* \*

(c) Correction (§ 1499.566a) to Amendment No. 1 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9747; Filed, September 30, 1942;  
3:20 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 53 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF 3-207 and GF 1-304-P]

##### AUSTIN NICHOLS & CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.906 *Adjustment of maximum prices for domestic cordials sold by Austin Nichols & Co. Incorporated.* (a) Austin Nichols & Co. Incorporated of 17 Prout Street, New Haven, Connecticut, may sell and deliver and any person may buy and receive from Austin Nichols & Co. Incorporated the following commodities at prices not higher than those set forth below:

Cordials (per case):	Fifths	Tenths
Anisette.....	\$17.20	\$18.10
Apricot Liqueur.....	19.45	20.25
Blackberry Liqueur.....	19.45	20.25
Cherry Liqueur.....	19.45	20.25
Creme de Cacao.....	19.45	20.25
Creme de Menthe, green		
or white.....	17.30	18.10
Peach Liqueur.....	19.45	20.25
Triple Sec.....	19.75	20.65
Kummel.....	21.60	21.80
Fruit flavored brandies (per case):		
Apricot.....	\$20.60	\$21.40
Blackberry.....	20.60	21.40
Cherry.....	20.60	21.40
Peach.....	20.60	21.40

(b) Retailers doing business in the State of Connecticut may sell and deliver the commodities listed in paragraph (a) and any person may buy and receive from retailers doing business in the State of Connecticut the commodities listed in paragraph (a) at \$2.49 per 1/5 and \$1.29 per 1/10 or at the maximum prices established for the particular retailer under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

(c) The adjustment granted to Austin Nichols & Co. Incorporated in paragraph (a) is subject to the following conditions:

(1) That such adjustment shall be limited to sales made in the State of Connecticut and delivered in the State of Connecticut.

(2) That within thirty days of the effective date of this order, Austin Nichols & Co. Incorporated shall send written notification to all retail sellers of the commodities listed in paragraph (a) doing business in the State of Connecticut,

Said written notification shall read as follows:

A price increase for Austin Nichols & Co. Incorporated domestic distilled cordials has been granted to us by the Office of Price Administration. This increase was granted because our March 1942 prices to retailers in the State of Connecticut were abnormally low in relation to the prices charged by our competitors. You are therefore permitted to charge \$2.49 per 1/5 and \$1.29 per 1/10 or your maximum prices established under § 1499.2 of the General Maximum Price Regulation, whichever are higher. You are required to keep this notification for examination.

(d) All prayers of the Petition (Docket No. GF3-207) not granted herein are denied.

(e) This Order No. 56 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 56 (§ 1499.906) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 56 (§ 1499.906) shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9748; Filed, September 30, 1942;  
3:20 p. m.]

#### TITLE 42—PUBLIC HEALTH

##### Chapter I—Public Health Service

##### PART 11—FOREIGN QUARANTINE

##### APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra*.

#### TITLE 46—SHIPPING

##### Chapter I—Bureau of Customs

[T. D. 59732]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

##### TRANSPORTATION OF MERCHANDISE BETWEEN ALASKA AND CANADA IN CANADIAN VESSELS

SEPTEMBER 28, 1942.

An order waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended.

Coastwise laws waived to extent necessary to permit Canadian vessels to transport merchandise between ports in Alaska and ports in Canada as a portion of the transportation of that merchandise between points in Alaska and points in the continental United States.

Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with



the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit the transportation of merchandise on Canadian vessels between ports in Alaska and ports in Canada as a portion of the transportation of that merchandise between points in Alaska and points in the continental United States. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-9752; Filed, September 30, 1942;  
4:36 p. m.]

#### Chapter IV—War Shipping Administration

[General Order 8 (Revised), Supp. 1A]

#### PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

##### BASIS FOR DETERMINATION OF TIME CHARTER HIRE

Basis for the determination of time charter hire under charter parties tendered by the War Shipping Administration to owners of American-flag tankers under 7,000 deadweight tons chartered or requisitioned for use pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended.

1. General Order No. 8 (Revised)<sup>1</sup> Supplement No. 1 (§§ 302.17 to 302.21, incl.)<sup>2</sup> dated June 15, 1942, is hereby amended by striking therefrom the words and figures "Under 7,000 \$4.65 per DWT per month" contained in the last line of Paragraph 2 thereof (§ 302.18) and substituting therefor the following:

<i>Per DWT per month</i>	
6,000 to 7,000-----	\$4.65
5,000 to 6,000-----	5.00
4,000 to 5,000-----	5.40
3,500 to 4,000-----	5.60
3,000 to 3,500-----	5.85
2,500 to 3,000-----	6.15
2,000 to 2,500-----	6.50
1,500 to 2,000-----	6.90
1,000 to 1,500-----	7.35

2. This order shall become effective and the rates herein shall apply from the effective date of the requisition or charter of any tank vessel affected hereby and shall apply with the same force and effect as though such rates were originally contained in and made a part of General Order No. 8 (Revised) Supplement No. 1 (§§ 302.17 to 302.21, incl.).

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,  
*Administrator.*

SEPTEMBER 30, 1942.

[F. R. Doc. 42-9761; Filed October 1, 1942;  
11:22 a. m.]

<sup>1</sup> 7 F.R. 6543.

<sup>2</sup> 7 F.R. 6544.

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter II—Office of Defense Transportation

[General Order ODT 24]

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and in order to make available railway cars, motive power, and other transportation facilities and equipment for the preferential transportation of troops and material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize railway cars, motive power, and other transportation facilities and service; and to expedite the movement of traffic, the attainment of which purposes is essential to the successful prosecution of the war:

*It is hereby ordered, That:*

Sec.	Definitions.
500.41	Passenger train operations restricted.
500.42	Special and general permits.
500.43	Exemptions.
500.44	Communications.
500.45	Effective date.

AUTHORITY: §§ 500.40 to 500.45, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 500.40 *Definitions.* As used in this subpart:

(a) The term "person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes the United States or any agency, territory, or possession thereof, a State or any agency or political subdivision thereof, the District of Columbia, or any trustee, receiver, assignee, or personal representative;

(b) The term "rail carrier" means any person engaged in transportation as a common carrier by railroad in or through any of the several States or the District of Columbia;

(c) The term "passenger train" means any train operated for the purpose of transporting passengers for compensation and includes a mixed train;

(d) The term "extra section" means any passenger train operated for the purpose of handling overflow traffic from a scheduled passenger train and which leaves the terminal of origin not more than 15 minutes before or after the published departure time of such scheduled passenger train.

§ 500.41 *Passenger train operations restricted.* No rail carrier shall:

(a) Operate any passenger train schedule in addition to those which were op-

erated during the week ending September 26, 1942;

(b) Operate an extra or special passenger train or any passenger train which is not scheduled;

(c) Operate a passenger train the consist of which includes a car, other than a railroad business car when used by railroad officials and employees on railroad business, chartered, or the use of which by prior arrangement is restricted, to a person or a number of persons travelling together as a group;

(d) Operate an extra section or sections to scheduled passenger trains unless, on 20% or more of the days for ninety (90) day next preceding the effective date of this subpart, an extra section or sections to such scheduled passenger train were operated.

§ 500.42 *Special and general permits.* The provisions of this subpart shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances either of which arise from the war effort or to prevent undue public hardships.

§ 500.43 *Exemptions.* The provisions of § 500.41 of this subpart shall not apply to:

(a) Passenger trains or cars operated for the exclusive service of or through arrangements made by an agency or department of the United States;

(b) Extra sections made necessary as a result of the handling of cars primarily occupied by persons travelling under orders or directions of an agency or department of the United States;

(c) Passenger train schedules, cars, or extra sections required as a result of emergencies arising from an accident, public calamity, military necessity, or train delay: *Provided, however,* That with respect to the operation of such passenger train schedules, cars, or extra sections the chief operating officer of the operating rail carrier shall within forty-eight (48) hours of such operation make a report in writing to the Office of Defense Transportation, explaining in full the emergency requiring the operation.

§ 500.44 *Communications.* Communications concerning this subpart shall be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C. Such communication shall refer to General Order ODT 24.

§ 500.45 *Effective date.* This subpart shall become effective October 4, 1942.

Issued at Washington, D. C. this 30th day of September 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-9768; Filed, October 1, 1942;  
11:30 a. m.]

## Notices

[Docket No. B-231]

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

##### OSCAR VAAL

#### CANCELLATION OF CODE MEMBERSHIP, ETC.

In the matter of Oscar Vaal, also known as Oscar B. Vaal, code member.

Order approving and adopting proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner and revocation of and cancelling code membership.

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on March 5, 1942, by Bituminous Coal Producers Board for District No. 11, alleging that Oscar Vaal, also known as Oscar B. Vaal, a code member in District No. 11 had violated the Bituminous Coal Code and the Rules and Regulations therein, and praying that the Division enter such order or orders and take such other and further action as may be just and proper in the premises;

A hearing having been held before Joseph D. Dermody, a duly designated examiner of the Division at a hearing room thereof in Vincennes, Indiana, on April 23, 1942;

The examiner having made and entered his report, proposed findings of fact, proposed conclusions of law, and recommendations in the matter dated August 24, 1942, in which it was found that code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, which prohibits the sale of coal below the effective minimum prices, by selling to various purchasers between August 1, 1941, and September 19, 1941, inclusive, 95.69 tons of 1¼" x 0 screenings (Size Group 14), produced at his Vaal Mine, Mine Index No. 622, Harrison Township, Spencer County, Indiana, District No. 11, at a price of 55 cents per net ton f. o. b. the mine, when under the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments the minimum price for such coal was \$1.40 per net ton f. o. b. the mine; and

The examiner having recommended therein that the code membership of Oscar Vaal, also known as Oscar B. Vaal, be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no exceptions and supporting briefs having been filed;

The undersigned having determined that after a consideration of the record that the proposed findings of fact, proposed conclusions of law, and recommendations of the examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is therefore ordered, That the proposed findings of fact and proposed conclusions of law of examiner be, and the same are hereby approved and adopted

as a findings of fact and conclusions of law of the undersigned;

And it is further ordered, That pursuant to section 5 (b) of the Act, the code membership of Oscar Vaal, also known as Oscar B. Vaal, operating the Vaal Mine, Mine Index No. 622, located in Harrison Township, Spencer County, Indiana, District No. 11 be, and it hereby is revoked and cancelled effective fifteen (15) days from the date hereof; and

And it is further ordered, That prior to any reinstatement of Oscar Vaal, also known as Oscar B. Vaal, to membership in the Code, he shall pay to the United States a tax in the amount of \$52.25 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,  
Director

[F. R. Doc. 42-9765; Filed, October 1, 1942;  
11:34 a. m.]

### DEPARTMENT OF AGRICULTURE.

#### Office of the Secretary.

[Maximum Price Regulation 228]

#### FLUE-CURED TOBACCO

#### PROCLAMATION CONCERNING AGRICULTURAL COMMODITIES

Pursuant to Title I of the First Supplemental National Defense Appropriation Act, 1943, Public Law 676, 77th Congress, the Secretary of Agriculture has determined after investigation and hereby proclaims that the maximum prices established for flue-cured tobacco by Maximum Price Regulation No. 228<sup>1</sup> did at the time of the issuance of said regulation by the Price Administration and do at the time of the issuance of this proclamation reflect to the producers of flue-cured tobacco prices in conformity with section 3 (c) of the Emergency Price Control Act of 1942 (Public Law 421, 77th Congress).

Done at Washington, D. C., this 1st day of October 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-9776; Filed, October 1, 1942;  
11:52 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket G405]

#### UNITED BROADCASTING COMPANY (WCLE)

#### NOTICE OF HEARING

In re application of United Broadcasting Company, (WCLE), dated March 28, 1940, for Construction Permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 640 kc.;

<sup>1</sup>7 F.R. 7533.

power, 50 kw. (DA, night and day); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: United Broadcasting Company, Radio Station WCLE, 1311 Terminal Tower, Cleveland, Ohio.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9756; Filed, October 1, 1942;  
10:49 a. m.]

[Docket G406]

#### NORTH CAROLINA BROADCASTING COMPANY, Inc. (WBIG)

#### NOTICE OF HEARING

In re application of North Carolina Broadcasting Company, Inc. (WBIG), dated November 17, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Greensboro, North Carolina; operating assignment specified: Frequency, 640 kc.; power, 50 w. (DA or night and day); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, conven-

ience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: North Carolina Broadcasting Company, Inc., Radio Station WBIG, Box 1807, O. Henry Hotel Building, Greensboro, North Carolina.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9757; Filed, October 1, 1942;  
10:49 a. m.]

[Docket 6408]

#### UNITED BROADCASTING COMPANY (WHKC)

##### NOTICE OF HEARING

In re application of United Broadcasting Company, (WHKC), dated March 28, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbus, Ohio; operating assignment specified: Frequency, 610 kc. Class III-B; power, 1 kw. (DA night); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than

the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: United Broadcasting Company, Radio Station WHKC, 22 East Gay Street, Columbus, Ohio.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9758; Filed, October 1, 1942;  
10:49 a. m.]

[Docket 6416]

#### CORNELL UNIVERSITY (WHCU)

##### NOTICE OF HEARING

In re application of Cornell University (WHCU), dated September 4, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Ithaca, New York; operating assignment specified: Frequency, 640 kc.; power, 5 kw. (DA, night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Cornell University, Radio Station WHCU, University Campus, Ithaca, New York.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9759; Filed, October 1, 1942;  
10:49 a. m.]

[Docket 6417]

#### CORNELL UNIVERSITY (WHCU)

##### NOTICE OF HEARING

In re application of Cornell University, (WHCU), dated January 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ithaca, New York; operating assignment specified: Frequency, 640 kc.; power, 1 kw. (DA, night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Cornell University, Radio Station WHCU, University Campus, Ithaca, New York.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9760; Filed, October 1, 1942;  
10:49 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4841]

#### VAN CAMP SEA FOOD COMPANY, INC.

##### COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 of the Clayton Act (U. S. C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Van Camp Sea-Food Company, Inc., is a corporation, organized under and existing by virtue of the laws of the State of California with its principal office and place of business located on Terminal Island, California.

PAR. 2. Respondent is now and has been since June 19, 1936, engaged in the business of packing, offering for sale, selling and distributing certain types of canned fish including tuna which constitutes the major part of respondent's business.

In the course and conduct of its said business, respondent sells and distributes the aforesaid products, in commerce, to purchasers thereof located in the various states of the United States, and causes said products, when sold, to be shipped and transported, by rail and boat, from its places of business in the State of California to the purchasers thereof who are located in the various states of the United States other than the state of origin of shipments. There is, and has been, at all times mentioned herein, a constant current of trade and commerce in said products, between respondent, located in the State of California, and its customers located in the various other states of the United States. Said products are sold and distributed principally to wholesale grocery dealers, super markets and chain stores for use and resale within and throughout the United States.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent has been, and is now, engaged in substantial competition, in commerce, with other packers, sellers and distributors of tuna fish, who for many years prior hereto, have been and are now engaged in packing, selling and distributing such products, in commerce, across state lines, to purchasers thereof located in the various states of the United States. Many of respondent's customers are competitively engaged with each other and with the customers of respondent's competitors in the purchase and resale of such products within the several trade areas, in which respondent's said customers respectively offer for sale and sell products purchased from the respondent.

PAR. 4. There are approximately eleven individuals, firms or corporations, including the respondent, all located in the State of California, who pack, distribute and sell practically all the domestic canned tuna and canned tuna products in the United States. The total annual sales value of canned tuna and tuna products in the United States amount to several millions of dollars. The business, of the respondent, in packing, distributing, and selling such products, constitutes approximately 50% of the total of such business in the United States.

PAR. 5. The respondent packs, distributes and sells different grades of tuna under designated brands and labels. Respondent's "Chicken of the Sea Select Blue Label Tuna" is the product chiefly involved in these proceedings.

PAR. 6. The Kroger Grocery and Baking Company and its subsidiaries operate in excess of 4,000 retail grocery stores in approximately 1,514 cities located in approximately eighteen states of the United

States. The Kroger Grocery and Baking Company is one of the largest retail distributors of tuna and tuna products in the United States and it purchases from the respondent approximately 90% of such products, which it distributes.

PAR. 7. In the course and conduct of its business, as hereinabove described, since June 19, 1936, respondent has been and is now discriminating in price between different purchasers of its products of like grade and quality by selling such products to some of its customers at lower prices than it sells products of like grade and quality to other of its customers, many of whom are competitively engaged, one with the other, in the resale of such products within the United States.

Specifically, among such discriminations, the respondent has sold its Chicken of the Sea Select Blue Label Tuna to The Kroger Grocery and Baking Company and its subsidiaries at a price, per case, substantially lower than the price, per case, which respondent has granted and allowed to other purchasers of such products, of like grade and quality, some of which other purchasers are engaged competitively with The Kroger Grocery and Baking Company and its subsidiaries in the resale of such products.

Illustrations of the aforesaid discriminations in price are as follows:

(a) On January 23, 1937, respondent contracted to sell to The Kroger Grocery and Baking Company, 70,105 cases of tuna, as ordered to December 1, 1937, at a delivered price of \$5.50 per case; (the case referred to herein consists of 48 one-half pound tins). On February 4, 1937, respondent increased, to the general trade, the case price of such product to \$5.50 f. o. b. Terminal Island, California, which would make a delivered price of \$5.75 per case in the territory where the Kroger company and many of its competitors do business. (For convenience respondent considers 25¢ as the approximate cost of shipping, i. e., when sales are made on a delivered price basis, the price is 25¢ per case higher than the price f. o. b. plant). When the Kroger company had purchased only 24,000 cases under said contract and when said contract had seven months yet to run, the respondent entered into a new contract with the Kroger company on May 6, 1937, to remain in effect until May 1, 1938. The latter contract provided for the purchase, by the Kroger company, of 69,396 cases of tuna at a delivered price (ex-warehouse) of \$5.50 per case. During the months of March, April, May, June and July, 1937, the respondent contracted to sell and sold tuna, of a like grade and quality as above, to other purchasers, including competitors of the Kroger company, at prices of \$5.50 per case, f. o. b. Terminal Island (i. e. \$5.75 delivered), \$5.75 f. o. b. Terminal Island (i. e. \$6.00 delivered), and \$6.00 f. o. b. Terminal Island (i. e. \$6.25 delivered).

(b) The aforementioned contract, entered into on May 6, 1937, expired by its expressed terms on May 1, 1938. At said expiration date, there were several thousand cases of tuna, of the amount set forth in said contract, which had not been purchased by the Kroger company. For a period of over four months, to-wit, from May 1938 to September 1938, the respondent continued to allow the Kro-

ger company to purchase tuna at a delivered price of \$5.50 per case, the price set forth in said expired contract. During the said period of over four months, the respondent sold tuna of like grade and quality, to competitors of the Kroger company at prices from 50¢ to 75¢ per case higher than the price granted to the Kroger company.

(c) On several occasions during the year 1938, the Kroger company sold Chicken of the Sea Select Blue Label Tuna, through its retail stores to the consuming public, at a price of two one-half pound cans for 25¢, or computed on a case basis, at \$6.00 per case. At the same time the price, per case, for tuna, of like grade and quality, charged by respondent to wholesalers, was either \$6.00 to \$6.25 per case. On September 8, 1938, the Kroger company advertised, in Cincinnati, Ohio, Chicken of the Sea, two one-half pound cans for 25¢. On September 1 and September 9, 1938, a competitor of the Kroger company in Cincinnati, Ohio, purchased tuna, of like grade and quality from respondent, at \$6.25 per case f. o. b. Cincinnati. The wholesale price to the Kroger company's competitor was 25¢ a case more than the retail price charged by the Kroger company to the consuming public.

PAR. 8. The effect of the aforesaid discrimination in price among such customers may be, has been and is substantially to lessen competition and tend to create a monopoly in said line of commerce and to injure, destroy and prevent competition between respondent and its competitors and among the customers of respondent.

PAR. 9. In the course and conduct of its business, as aforesaid, and contrary to the provisions of subsection (e) of said section 2 of the Clayton Act (U. S. C. Title 15, sec. 13), as amended by the Robinson-Patman Act, respondent is now and since June 19, 1936, has been discriminating in favor of certain of its customers against other of its customers by contracting to furnish and by furnishing to the former certain services or facilities in connection with the sale, or offering for sale, of their products so purchased by them upon terms not accorded to all their customers on proportionally equal terms.

Illustrations of the aforesaid discrimination in services or facilities are as follows:

(a) Respondent maintains consigned stocks of tuna in warehouses strategically located in several cities throughout the United States from which warehouses purchasers of less than carload quantities are supplied. When consigned stocks are held in such warehouses one month the price of the tuna is increased 5¢ per case; when such stocks are so held longer than one month, the said price is increased 10¢ a case. When the Kroger Grocery and Baking Company or its subsidiaries were supplied from any such consigned stocks, the invoicing and billing are handled, not by the regular agents and representatives of the respondent, but exclusively by the executive officials of the respondent and all such storage charges were omitted; whereas payment of such storage charges is required from competitors of the Kroger company.

(b) When the Kroger company or its subsidiaries receive tuna from the consigned stocks, as described above, the Kroger company is permitted by respondent to remit once each month for such goods; whereas competitors of the Kroger company are required by the respondent to pay for such goods at the time of delivery.

PAR. 10. The foregoing alleged acts and practices of said respondent, as set forth in Paragraphs Seven and Nine, respectively, constitute violations of subsections 2 (a) and 2 (e) of Section 2 of the said Act of Congress approved October 15, 1941, as amended by said Act of Congress approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission on this 28th day of September, A. D. 1942, issues its complaint against said respondent.

#### Notice

Notice is hereby given you, Van Camp Sea Food Company, Inc., a corporation, respondent herein, that the 6th day of November, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further

evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 28th day of September, A. D. 1942.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9763; Filed, October 1, 1942;  
11:37 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment to Vesting Order 25]

YAMANAKA AND COMPANY, LTD.

Vesting Order Number 25<sup>1</sup> of June 16, 1942, is hereby amended as follows and not otherwise:

By deleting the expression "\$25 par" appearing in subparagraph b thereof; and by substituting therefor the words "no par".

All other provisions of such Vesting Order Number 25 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 24, 1942.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9735; Filed, September 30, 1942;  
1:09 p. m.]

[Amendment to Vesting Order 100]

BODEE REALTY CORPORATION

Vesting Order Number 100<sup>2</sup> of August 7, 1942, is hereby amended as follows and not otherwise:

By inserting the words "within the United States" immediately after the words "which is a business enterprise" appearing in the paragraph which describes the property vested.

All other provisions of such Vesting Order Number 100 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 17, 1942.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9733; Filed, September 30, 1942;  
1:08 p. m.]

<sup>1</sup>7 F.R. 5207.  
<sup>2</sup>7 F.R. 7054.

[Vesting Order 158]

36,940 SHARES OF THE COMMON STOCK OF  
HARVARD BREWING COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,<sup>1</sup> and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

36,940 shares of \$1.00 par value common capital stock of Harvard Brewing Company, a Delaware corporation, which is a business enterprise within the United States, which shares are registered in the name of Dominick and Dominick, New York, New York, deposited with Arnold & S. Bleichroeder, Inc., and held for the benefit of Margot von Opel (interned in an alien concentration camp), and represent 5.91% of the 625,000 shares of outstanding common stock of said business enterprise, of which 345,760 shares, or 55.32%, were vested by the undersigned pursuant to Vesting Order Number 17 issued by him under date of June 4, 1942, as amended.

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 21, 1942:

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9732; Filed, September 30, 1942;  
1:08 p. m.]

<sup>1</sup>7 F.R. 1701.



## [Vesting Order 186]

## 32% OF THE CAPITAL STOCK OF JAPAN COTTON COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,<sup>1</sup> and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

3200 shares of the common capital stock of Japan Cotton Company, a Texas Corporation, which is a business enterprise within the United States, which 3200 shares represent 32% of the outstanding capital stock of said company, of which 6800 shares, or 68%, were vested by the undersigned pursuant to Vesting Order Number 76 issued by him under date of July 30, 1942, the names and last known addresses of the registered owners of said 3200 shares, and the number of shares owned by them respectively, are as follows:

Name	Last known addresses	Number of shares
Seizo Kimura.....	Osaka, Japan.....	1,590
Shigeatsu Shiota.....	Osaka, Japan.....	1,090
Yoshiyuki Okajima.....	Osaka, Japan.....	390
Tokuo Kiba.....	Osaka, Japan.....	390
Takao Miyake.....	Osaka, Japan.....	100
Total.....		3,200

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an

admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9734; Filed, September 30, 1942;  
1:03 p. m.]

## [Vesting Order 188]

## 2.857% OF THE CAPITAL STOCK OF GOSHO CONCENTRATION &amp; COMPRESS COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

100 shares (which, together with the 5,393 shares vested by the undersigned pursuant to Vesting Order No. 57 issued by him under date of July 23, 1942, constitute a substantial part, namely, 99.943%, of all outstanding shares) of the capital stock of Gocho Concentration & Compress Company, a Texas corporation, which is a business enterprise within the United States, which shares are owned by Kyoichi Sugimoto whose last known address was represented to the undersigned as being Osaka, Japan,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an ad-

mission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9731; Filed, September 30, 1942;  
1:03 p. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under Maximum Price Regulation No. 132—Waterproof Rubber Footwear]

## CAMBRIDGE RUBBER COMPANY

ESTABLISHING MAXIMUM PRICES FOR WOMEN'S MISSES' AND CHILD'S UTILITY BOOTS

On August 25, 1942, Cambridge Rubber Company of Cambridge, Massachusetts, filed an application pursuant to § 1315.70 (d) of Maximum Price Regulation No. 132 for the establishing of maximum prices for women's, misses' and child's utility boots manufactured under special permit from the War Production Board, according to the specifications set forth in said application. Due consideration has been given to the application and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) The maximum price for sales or deliveries of the following types of waterproof rubber footwear by the Cambridge Rubber Company of Cambridge, Massachusetts, shall be as follows:

Type	Price per pair
Women's Utility Boot, 9" height, Rubber Upper, Stitched Replaceable Outsole.....	\$1.75
Women's Utility Boot, 9" height, Cloth Upper, Stitched Replaceable Outsole.....	1.90
Misses' Utility Boot, 7½" height, Cloth Upper, Stitched Replaceable Outsole.....	1.80
Child's Utility Boot, 7" height, Cloth Upper, Stitched Replaceable Outsole.....	1.70

(b) The prices stated in paragraph (a) shall be subject to the same discounts and allowances as were established under § 1315.70 (a) (2) of Maximum Price Regulation No. 132.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1315.68 of Maximum Price Regulation No. 132 shall apply to terms used herein.

(e) This Order No. 2 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9743; Filed, September 30, 1942;  
3:21 p. m.]

<sup>1</sup> 7 F.R. 1971.

<sup>2</sup> 7 F.R. 3161, 4234, 6743.

[Order 22 under Maximum Price Regulation 122—Solid fuels delivered from facilities other than producing facilities—Dealers—Docket 3122-16]

**CONSUMERS COAL COMPANY**  
**ORDER GRANTING ADJUSTMENT**

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is ordered:

(a) John Kinney, Jr., Benton Harbor, Michigan, doing business as Consumers Coal Company, may sell and deliver, and any person may buy and receive the kinds and grades of solid fuels set forth in paragraph (b) below at prices not in excess of those stated therein;

(b) (1) The following solid fuels may be sold and delivered by Consumers Coal Company from its terminal facilities in Benton Harbor, Michigan, at the applicable maximum prices for sales thereof as established on May 13, 1942 by § 1340.361 of Maximum Price Regulation No. 122, plus the sum not in excess of the following respective amounts per net ton:

Kinds of solid fuels	Sizes	Amounts per net ton
Scarlet Flame Block.....	2	\$0.15
Scarlet Flame Furnace.....	6	.20
1/4" Nut and Slack.....	18	.35
2" N. P. & S.....	20	.30
Blue Beacon Block.....	1 and 2	.20
Blue Beacon Egg.....	5	.10
Crown Egg.....	5	.26
Crown Stoker.....	10	.466
Crown 2" N. P. & S.....	20	.45

(ii) Blue Diamond 5" Block may be sold and delivered by Consumers Coal Company from its terminal facilities in Benton Harbor, Michigan, at the applicable maximum price for sales thereof as established on May 18, 1942 by § 1340.261 (d) (2), (e) and (f), plus not more than 20 cents per net ton;

(c) This Order No. 22 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein;

(e) This Order No. 22 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9744; Filed, September 30, 1942; 3:21 p. m.]

[Order 23 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-17]

**FORST PACKING COMPANY, INC.**

**ORDER GRANTING PETITION FOR ADJUSTMENT**

On June 26, 1942, the Forst Packing Company, Incorporated, Kingston, New York, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has

been given to the petition, and an opinion in support of this Order No. 23 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) The Forst Packing Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Forst Packing Company, Incorporated:

	Cents per pound
Dry cured bacon.....	29½
Regular hams, 12/14.....	33¾
Short shank calas 6/10.....	29¼

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(f) This Order No. 23 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9745; Filed, September 30, 1942; 3:23 p. m.]

[Order 24 under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Dockets Nos. 3148-73, 3148-74]

**DELTA PACKING COMPANY, INC.**

**ORDER GRANTING PETITION FOR ADJUSTMENT**

On August 24, 1942, the Delta Packing Company, Incorporated, Clarksdale, Mississippi, filed two petitions which were docketed as petitions for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to each of the petitions and an opinion in support of this Order No. 24 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) The Delta Packing Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Delta Packing Company, Incorporated.

(b)

	Cents per pound
Shoulders, fresh or frozen.....	26
Pork loin, regular fresh or frozen.....	29½
Boston butts, fresh or frozen.....	29½
Bacon, smoked, slab.....	27
Bacon, sliced.....	30
Regular hams, cured.....	31
Skinned hams, fresh or frozen.....	29
Skinned hams, cured.....	31
Picnics.....	27

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(f) This Order No. 24 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9742; Filed, September 30, 1942; 3:21 p. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File Nos. 31-481, 31-467, 31-165, 31-484, 31-483, 31-473, 31-167, 31-163, 31-164]

**KOPPERS UNITED CO., ET AL.**

**ORDER DENYING APPLICATIONS**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of September, A. D. 1942.

In the matter of Koppers United Company, File No. 31-481; The Brooklyn Union Gas Company, File No. 31-467; Koppers Company, File No. 31-165; Eastern Gas and Fuel Associates, File No. 31-484; Koppers United Company, Fuel Investment Associates and Eastern Gas and Fuel Associates, File No. 31-483; Brockton Gas Light Company, File No. 31-473; Koppers United Company, File No. 31-167; Fuel Investment Associates, File No. 31-162; Eastern Gas and Fuel Associates, File No. 31-164.

Applications having been filed by Koppers United Company, under section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring that The Brooklyn Union Gas Company is not its subsidiary; by The Brooklyn Union Gas Company, under that section for an order declaring it not to be a subsidiary of Koppers Company or Koppers United Company; by Koppers Company under section 2 (a) (7) of said Act for an order declaring that it is not a holding company; by Eastern Gas and Fuel Associates under section 2 (a) (8) of said Act for an order declaring it not to be a subsidiary of Koppers Company; by Koppers United Company, Fuel Investment Associates, and Eastern Gas and Fuel Associates under section 2 (a) (8) of said Act for an order declaring that Brockton Gas Light Company is not a subsidiary of said companies; and by Brockton Gas Light Company, under

section 2 (a) (8) of said Act for an order declaring it not to be a subsidiary of said companies, hearings having been held after due notice, requests for findings of fact, briefs, reply briefs, and a trial examiner's advisory report having been filed, and the Commission having considered the matter, and having determined that the said applications must be denied as more fully set forth in the findings, opinion and conclusions of the Commission this day issued.

*It is ordered*, That on the basis of said findings and opinion the said applications be, and the same hereby are, denied;

*Provided, however*, That this order, insofar as it respects the status of Koppers Company as a holding company, or the status of any of the applicants as a public utility subsidiary company of Koppers Company, shall not become effective until 10 days after the date hereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9738; Filed, September 30, 1942;  
2:26 p. m.]

[File No. 1-1822]

#### LACLEDE GAS LIGHT COMPANY

##### ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of September, A. D. 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding and Extension Mortgage Gold Bonds, due 1934 Extended to 1942 of The Laclede Gas Light Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 11 a. m. on Monday, October 26, 1942, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9739; Filed, September 30, 1942;  
2:26 p. m.]

[File No. 59-39]

#### NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

##### ORDER DISMISSING APPLICATION TO INTERVENE AND FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September, A. D. 1942.

The Commission on December 30, 1941 having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 3233) directing that North American Light & Power Company shall be liquidated and its existence terminated and further directing that said company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the said Act; and the Commission having reserved jurisdiction to enter such further order or orders after hearing on appropriate notice as may be necessary or appropriate for the purpose of ensuring that the liquidation of North American Light & Power Company is accomplished expeditiously and in a manner that is consistent with the provisions of the said Act; and

An application having been filed herein by the respondent, Illinois Iowa Power Company, a registered holding company and a subsidiary of Illinois Traction Company, North American Light & Power Company, and The North American Company, registered holding companies and respondents herein, wherein the said Illinois Iowa Power Company requests an order permitting it to intervene in the above entitled proceeding in order to participate as a party and to proffer evidence and testimony relating to an alleged claim which Illinois Iowa Power Company has against North American Light & Power Company and Illinois Traction Company resulting from the following transactions occurring while Illinois Traction Company and Illinois Iowa Power Company were under the control of North American Light & Power Company:

(a) The sale during 1932 of the securities of Central Terminal Company, a Missouri corporation, by North American Light & Power Company to Illinois Iowa Power Company, at a price which Illinois Iowa Power Company alleges was in excess of the real value thereof;

(b) The payment to Illinois Traction Company of cash dividends by Illinois Iowa Power Company during the years 1930, 1931, and 1932; such dividends appearing to Illinois Iowa Power Company to have been paid out of capital; cash dividends paid in other years by Illinois Iowa Power Company to Illinois Traction Company likewise appearing to Illinois Iowa Power Company to have been paid out of capital;

(c) Other transactions which are believed by Illinois Power Company not to have been in its interest but rather to its damage; and

The Commission having considered said application and the affidavit and supplemental affidavit of Allen Van

Wyck, president of Illinois Iowa Power Company, in support thereof; and

It appearing to the Commission that Illinois Iowa Power Company has heretofore been made a party respondent in the order instituting these proceedings (Holding Company Act Release No. 3163) and that it is unnecessary to pass on the application of Illinois Iowa Power Company for leave to intervene; and

It appearing to the Commission that it is necessary to determine the nature, validity and extent of the alleged claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company in order to bring about compliance with the Commission's aforesaid order of December 30, 1941 and to permit the formulation and effectuation of a plan or plans of liquidation which will be fair and equitable to all creditors and security holders of North American Light & Power Company; and

It further appearing to the Commission that Illinois Iowa Power Company should file with this Commission a verified and detailed statement alleging the nature and extent of its claim and the relief requested with sufficient particularity to enable North American Light & Power Company to admit or deny each allegation material to the establishing of the aforesaid claim; and

It further appearing to the Commission that it is necessary and appropriate in the public interest and in the interest of investors and consumers that a hearing be held herein for the purpose of ascertaining the nature, validity and extent of any claim of Illinois Iowa Power Company against North American Light & Power Company and/or Illinois Traction Company;

*It is ordered*, That the application of Illinois Iowa Power Company for leave to intervene be and the same hereby is dismissed.

*It is further ordered*, That the application of Illinois Iowa Power Company for leave to assert a claim against North American Light & Power Company and Illinois Traction Company and to proffer evidence and testimony in support thereof is granted insofar as such evidence or testimony is relevant for that purpose.

*It is further ordered*, That Illinois Iowa Power Company file herein within ten days from the date hereof a verified detailed statement sufficiently particularized so as to apprise North American Light & Power Company and Illinois Traction Company as to the nature and extent of its claim and the relief requested.

*It is further ordered*, That Illinois Iowa Power Company serve copies of said statement upon North American Light & Power Company and Illinois Traction Company and that proof of such service be filed with the Commission at the time of filing said statement.

*It is further ordered*, That North American Light & Power Company and Illinois Traction Company file herein within twenty days after service of the statement of Illinois Iowa Power Company upon said companies, an answer or answers either admitting or denying each

material allegation contained in said statement and asserting any additional matters by way of defense or counter-claim.

*It is further ordered,* That a hearing for the purpose of determining the nature, validity and extent of the claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 16th day of November, 1942 at 10:00 A. M., E. W. T., in such room as may be designated on such day by the hearing room clerk in Room 318.

*It is further ordered,* That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to North American Light & Power Company, The North American Company, Illinois Traction Company, Illinois Iowa Power Company, Des Moines Electric Light Company, Iowa Power and Light Company, Central Terminal Company, Illinois Terminal Railroad Company, The Kansas Power and Light Company, Missouri Power & Light Company, the security holders thereof, the creditors thereof, City National Bank & Trust Company of Chicago, successor Trustee under the Debenture Agreement dated July 1, 1926, and to all other persons whose participation in such proceeding may be in the public interest or for the protection of investors or consumers; and such notice shall be given further by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and notice shall be given further to all persons by publication of this order in the FEDERAL REGISTER not later than twenty days prior to the date hereinbefore fixed as the date of the hearing.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-9737; Filed, September 30, 1942;  
2:26 p. m.]

[File No. 70-455]

NORTHEASTERN WATER AND ELECTRIC CORP.,  
ET AL.

#### ORDER GRANTING EXTENSION OF TIME

In the matter of Northeastern Water and Electric Corporation, Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, Applicants-Declarants.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

Northeastern Water and Electric Corporation, a registered holding company, and Denis J. Driscoll and Willard L.

Thorp, as Trustees of Associated Gas and Electric Corporation, also a registered holding company, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (d) and 12 (f) thereof, and Rules U-9, U-43 and U-44 of the General Rules and Regulations thereunder, with respect to the following transactions:

1. The sale by Northeastern Water and Electric Corporation and the acquisition by the Trustees of Associated Gas and Electric Corporation of all of the securities of General Utilities Company, The Ohio Northern Public Service Company, Western Reserve Power and Light Company, and New London Power Company, all incorporated under the laws of, and operating in, the state of Ohio, such securities to be acquired for a consideration of \$1,500,000.

2. The sale by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr. and Penn-Jersey Water Company.

The Commission having previously entered its order herein on March 3, 1942, which order permitted the declarations to become effective and granted the applications herein, and which order approved a plan pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 and directed the taking of steps to carry out such plan; and

The Commission having entered a supplemental order herein on March 19, 1942, approving said plan and directing Northeastern Water and Electric Corporation to sell to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, on or before July 1, 1942, and directing said Trustees to acquire from said Northeastern Water and Electric Corporation on or before July 1, 1942, all of the securities of General Utilities Company, The Ohio Northern Public Service Company, and Western Reserve Power and Light Company (the last mentioned company in turn owning all of the securities of New London Power Company), all of said four last named companies being incorporated under the laws of, and operating in, the State of Ohio; and

The Commission having entered an order herein on July 30, 1942, modifying the orders of March 3, 1942, and March 19, 1942, to the extent necessary to extend the time within which such transactions may be consummated to September 30, 1942; and

Applicants-declarants having requested a further extension of time within which to comply with the said orders of the Commission to December 15, 1942, and it appearing appropriate to the Commission that such request be granted;

*It is ordered,* That the said orders of March 3, 1942, and March 19, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be consummated to December 15, 1942, and that Northeastern Water and Electric Corporation and Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, be and hereby are directed on or before Decem-

ber 15, 1942, to carry out the sale and acquisition specified in the said order dated March 19, 1942.

*It is further ordered,* That nothing herein contained shall modify or affect any provisions of the Commission's orders of March 3, 1942, and March 19, 1942, not within the subject of this order.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-9738; Filed, September 30, 1942;  
2:26 p. m.]

[File Nos. 59-11, 59-17 and 54-26]

UNITED LIGHT AND POWER CO., ET AL.

SUPPLEMENTAL ORDER, APPLICATION NO. 12

In the matter of the United Light and Power Company, the United Light and Railways Company, Continental Gas & Electric Corporation, Columbus and Southern Ohio Electric Company and Point Pleasant Water & Light Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

The Commission having issued its order on July 22, 1942, granting applications and permitting declarations of Point Pleasant Water & Light Company, Columbus and Southern Ohio Electric Company, Continental Gas & Electric Corporation, the United Light and Railways Company and the United Light and Power Company to become effective with respect to the transactions necessary to effect a sale of the assets of Point Pleasant Water & Light Company to Appalachian Electric Power Company and the subsequent liquidation and dissolution of Point Pleasant Water & Light Company; and

The aforementioned applicants and declarants having requested an extension of time until January 31, 1943, or such other date as may appear appropriate, within which to carry out certain remaining transactions incidental to said liquidation and dissolution, the sale of the assets to Appalachian Electric Power Company having heretofore been consummated; and

It appearing appropriate in the public interest and in the interest of investors and consumers to grant an extension of time within which to accomplish complete compliance with the order of July 22, 1942,

*It is ordered,* That Point Pleasant Water & Light Company, Columbus and Southern Ohio Electric Company, Continental Gas & Electric Corporation, the United Light and Railways Company and the United Light and Power Company be and hereby are granted an extension of time until December 31, 1942, to effect and execute the remaining transactions incidental to the complete liquidation and dissolution of Point Pleasant Water & Light Company.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-9740; Filed, September 30, 1942;  
2:27 p. m.]